

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

CRIMINAL APPLICATION NO. 2954 OF 2015

Ankush s/o Bhagwant Mote & Ors. **APPLICANTS**

V E R S U S

The State of Maharashtra **RESPONDENT**

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Mr. N.P.Ghanwat, Advocate for Applicants.

Mrs. Pratibha Bharad, A.P.P. for Resp. – State.

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WITH

CRIMINAL APPLICATION NO. 2939 OF 2015

Sainath Anna Matsagar & Anr. **APPLICANTS**

V E R S U S

The State of Maharashtra **RESPONDENT**

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Mr. R.V.Gore, Advocate for Applicants.

Mrs. Pratibha Bharad, A.P.P. for Resp. – State.

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CORAM : V.M.DESHPANDE, J.

DATE : 6th JULY, 2015

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PER COURT :

1. These two Criminal Applications for grant of anticipatory bail arise out of Crime No. 88/2015 registered with Vaijapur police station, District Aurangabad for the offences punishable u/s 307, 326, 325, 143, 148, 149, 504, 506 of the Indian Penal Code.

2. Heard Mr. N.P.Ghanwat, learned counsel for the applicants in Criminal Application No. 2954 of 2015, Mr. R.V.Gore, learned counsel for the applicants in Criminal Application No. 2939 of 2015 and Mrs. Pratibha Bharad, learned A.P.P. for respondent – State in both these applications.

3. F.I.R. is lodged by Machhindra Yeduba Mote in respect of the incidence occurred on 17/05/2015. In the said incident, first informant, his wife Meerabai and son Shivaji were injured. Presence of the applicants is alleged in the F.I.R., however no role is attributed to them. Further, specific overt act is attributed to other co-accused who are already released on bail. In view of the fact that no specific act and/or overt act is attributed to the applicants, their custodial presence is not required. That leads me to pass the following order :

(i) Present both Criminal Applications are hereby allowed.

(ii) In the event of arrest in connection

with Crime No. 88/2015 registered with Vaijapur police station, District Aurangabad for the offences punishable u/s 307, 326, 325, 143, 148, 149, 504, 506 of the Indian Penal Code, applicant No. 1 Ankush s/o Bhagwant Mote, applicant No. 2 Mukund s/o Bhimaji Mote, applicant No. 3 Bhagwan s/o Ankush Mote and applicant No. 4 Dnyandeo s/o Bhagwan Mote in Criminal Application No. 2954 of 2015 and applicant No. 1 Sainath Anna Matsagar and applicant No. 2 Satish Sainath Matsagar in Criminal Application No. 2939 of 2015 be released on anticipatory bail on they executing P.R. Bond of Rs.5,000/- [Rupees Five Thousand] with one solvent surety of like amount by each of them.

- (iii) Both the present Criminal Applications are disposed of.

[V.M.DESHPANDE, J.]