

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY.
BENCH AT AURANGABAD.
Criminal Appellate Jurisdiction.**

CRIMINAL APPLICATION NO. 3154 OF 2015.

BALSING S/O TRIMBAK GIRAM & ORS.

VERSUS

THE STATE OF MAHARASHTRA.

Appearance =>

Mr. Satish M. Godsay, Advocate for the Applicants.

Mr. V.H. Dighe, Additional Public Prosecutor for the State of Maharashtra.

Mrs. S.K. Doke, Advocate for – Ganga Hanumanta More & Ors.

CORAM : V.M. Deshpande, J.

DATE : 1st July, 2015.

Per Court :-

Present Criminal Application is filed by the Applicants for grant of anticipatory bail, since they are apprehending their arrest in connection with CR No.45/2015 registered with Police Station, Bhoom, District–Osmanabad, for the offences punishable under Section/s 307, 325, 324, 323, 147, 148, 149, 504, 506 of the Indian Penal Code and Section 4 read with Section 25 of Arms Act.

[2] Heard Mr. Satish M. Godsay, learned counsel for the Applicants, Mr. V.H. Dighe, learned Additional Public Prosecutor for the Respondent – the State and Mrs. S.K. Doke, learned counsel for – Ganga Hanumanta More & Ors., in extenso.

[3] In the incident dated 27th April, 2015 two separate First Information Reports are registered with Police Station, Bhoom, District–Osmanabad. The first First Information Report is registered by the present Applicant No.6 – Samadhan s/o Mahaling Giram. Said is registered as C.R. NO.44/2015 for offences punishable under Section/s 307, 326, 324, 323, 504, 506 of the Indian Penal Code and Section 3 read with Section 25 of Arms Act.

There are four accused persons. They are Ranjit Hanumant More, Tatya @ Ramchandra More, Hanumant More and Prakash Lekurwale.

[4] Another Crime is registered with Police Station, Bhoom, District–Osmanabad vide CR NO.45/2015 by Hanumant Sakharam More, in which the present Applicants are seeking their release on anticipatory bail.

[5] In the Crime No.45/2015, First Informant – Hanumant and Ranjit and Ramchandra are injured persons. First Information Report discloses specific role against Applicant No.3 – Prabhuling Trimbak Giram, Applicant No.2 – Sanjay Prabhuling Giram, Applicant No.5 – Rajendra Prabhuling Giram and Applicant No.6 – Samadhan Mahaling Giram.

[6] This is not a stage where-in it is expected from the Court to evaluate the truthfulness of both the First Information Reports on its own merit; suffice to say, the Court has to see, whether the specific role is attributed to the Applicants or not.

[7] In view of the fact that, specific role is attributed that Applicant No.3 – Prabhuling Trimbak Giram, Applicant No.2 – Sanjay Prabhuling Giram, Applicant No.5 – Rajendra Prabhuling Giram and Applicant No.6 – Samadhan Mahaling Giram have assaulted the injured persons, by means of weapons in their hands, which is also supported by the injury certificate/s of Hanumant, Ranjit and Ramchandra, in my considered view, their Application cannot be considered favourably and Application, to their extent has to be rejected.

[8] In so far as Applicant No.1 – Basling Trimbak Giram, Applicant No.4 – Mahaling Trimbak Giram and Applicant No.7 – Santosh Basling Giram are concerned, nature of accusation is that they have used the stones. No doubt, stone also can be used as one of the weapon however, it is clear that incident has occurred in the free fight between two groups. In that view of the matter and looking to the fact that, no injuries are attributable to these three persons, their Application can be considered favourably. That leads me to pass the following order :-

ORDER

(i) Criminal Application is partly allowed.

(ii) Criminal Application of Applicant No.1 – Basling Trimbak Giram, Applicant No.4 – Mahaling Trimbak Giram and Applicant No.7 – Santosh Basling Giram is allowed.

(iii) In the event of arrest, Applicant No.1 – Basling Trimbak Giram, Applicant No.4 – Mahaling Trimbak Giram and Applicant No.7 – Santosh Basling Giram shall be released on anticipatory bail on they executing PR. Bond of Rs. 15,000/- [Rs. Fifteen Thousand.] each with one solvent surety in the like amount, in connection with CR No.45/2015 registered with Police Station,Bhoom, District–Osmanabad, for the offences punishable under Section/s 307, 325, 324, 323, 147, 148, 149, 504, 506 of the Indian Penal Code and Section 4 read with Section 25 of Arms Act.

(iv) Applicant No.1 – Basling, Applicant No.4 – Mahaling and Applicant No.7 – Santosh shall attend Police Station, Bhoom, District–Osmanabad twice in a week, preferably on every Thursday and Sunday between 2.00 p.m. to 5.00 p.m., till charge sheet is filed.

(v) These Applicants shall not extend any sort of threat to the family of the injured.

(vi) These Applicants shall not tamper with the prosecution case.

(vii) Criminal Application of Applicant No.2 – Sanjay Prabhuling Giram, Applicant No.3 – Prabhuling Trimbak Giram, Applicant No.5 – Rajendra Prabhuling Giram and Applicant No.6 – Samadhan Mahaling Giram is dismissed

and interim order granted by their court in their favour on 22nd June, 2015, stands vacated.

(viii) With this Criminal Application is partly allowed and same is disposed of, accordingly.

(V.M. DESHPANDE, J.)