

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

CRIMINAL APPLICATION NO.3369/2015.

SACHIN RAOSAHEB BARSE AND ORS.

VERSUS

THE STATE OF MAHARASHTRA & ORS.

RAJENDRA RAKHMA BARSE. : Applicant in Criminal Application
No.33766/15.

Appearance =>

Mr. K.B. Autade, Advocate for the Applicants in Criminal
Application No.3369/15.

Mr. Shaikh Mazhar A. Jahagirdar, Advocate for the Applicant in
Criminal Application No.33766/15.

Mrs. S.G. Chincholkar, Additional Public Prosecutor for the State
of Maharashtra.

CORAM : V.M. Deshpande, J.

DATE : 16th 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.I 15/2015 registered with Shrirampur Taluka
Police Station, Shrirampur, District - Ahmednagar for the offences
punishable under Section/s 143, 147, 148, 149, 325, 326, 307, 324,
323, 504, 506 of the Indian Penal Code.

[2] Heard Mr. K.B. Autade, learned counsel for the Applicants in Criminal Application No.3369/15, Mr. Shaikh Mazhar A. Jahagirdar, learned counsel for the Applicant in Criminal Application No.33766/15 i.e. First Informant and Mrs. S.G. Chincholkar, learned Additional Public Prosecutor for the State of Maharashtra.

[3] For the very same incident, two First Information Reports are lodged, present one and another is CR No.I 16/2015 for the offences punishable under Section/s 143, 147, 148, 149, 302, 325, 324, 323, 504, 506 of the Indian Penal Code.

[4] The present First Informant is one of the accused in CR No.16/15. It is reported that, he was arrested and was released on regular bail.

[5] According to the First Information Report, two groups picked-up a quarrel with each others on account of some gifted land. Specific role for making murderous assault on the hands of first informant and his father – Rakhma is attributed to Yakub Barse. It is reported that, this accused was arrested and released on regular bail by the trial court.

[6] First Information Report discloses presence of all the Applicants. Presence of the present Applicants on the spot, appears to be natural one, in view of the group clash between the same clan. What is important to note while considering the present Application is the role attributed to them by the first informant.

[7] According to the First Information Report, present Applicants gave fist and kick blows and also stick blows. Injury certificates of first informant and his father – Rakhma show that, first informant Rajendra received incised wound on his left wrist; where-as his father received two incised wounds, three contusion lacerated wounds and one contusion on index finger.

[8] The nature of allegations made against the present Applicants are general in nature. There is nothing available on record to show exact role played by each of the Applicants. In that view of the matter and looking to the fact that, person who was attributed with more serious role is already released on bail, by the trial court, custodial presence of the present Applicants, in my view, not warranted. That leads me to pass the following order :-

ORDER

(i) Criminal Application is allowed.

(ii) In the event of arrest, Applicant No.1 – Sachin Raosaheb Barse, Applicant No.2 – Amol Yakub Barse, Applicant No.3 – Vikas Pralhad Barse and Applicant No.4 – Anandibai Isaq Barse shall be released on anticipatory bail on they executing P.R. Bond of Rs. 5,000/- [Rs. Five Thousand.] each with one solvent surety in the like amount, in connection with CR No.I 15/2015 registered with Shrirampur Taluka Police Station, Shrirampur, District - Ahmednagar for the offences punishable under

Section/s 143, 147, 148, 149, 325, 326, 307, 324, 323, 504, 506 of the Indian Penal Code.

(iii) The Applicants shall attend Shrirampur Taluka Police Station, Shrirampur, District - Ahmednagar twice in a week, preferably on every Monday and Thursday, between 1.00 a.m. to 4.00 p.m, till charge sheet is filed.

(iv) The Applicants shall not interfere with the course of investigation and shall not tamper with the prosecution case.

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

(V.M. DESHPANDE, J.)