

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

CRIMINAL APPLICATION NO. 3394 OF 2015

Gautam s/o Bhanudas Pawar **.... APPLICANT**

V E R S U S

The State of Maharashtra & Anr. **.... RESPONDENTS**

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Mr. R.S.Shinde, Advocate for Applicant.

Mr. A.S.Shinde, A.P.P. for R.No.1 – State.

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CORAM : V.M.DESHPANDE, J.

DATE : 16th JULY, 2015

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PER COURT :

1. This is an application for grant of anticipatory bail since the applicant is apprehending his arrest in connection with Crime No. 22/2015 registered with Pimpalner police station, District Beed for the offences punishable u/s 302,143,147,148,149 and 326 of the Indian Penal Code and u/s 3 (ii) (v) of the Scheduled Castes and the Scheduled Tribes [Prevention of Atrocities] Act.

2. Heard Mr. R.S.Shinde, learned counsel for the applicant and Mr. A.S.Shinde, learned A.P.P. for respondent No. 1 – State.

3. F.I.R. is lodged by Lahu Tatyaba Gaikwad. According to F.I.R., on 04/05/2015 when first informant's son Ganesh had been to Kukkadgaon and when he was standing in the square of Kukkadgaon, that time 12 accused persons with others assaulted Ganesh by means of sticks and stones. This information was received by first informant on phone. Immediately, he rushed towards that particular square to notice therein the accused persons along with present applicant Nitin. Ultimately, his son Ganesh succumbed to the injuries.

4. In the present case, during the course of investigation, Investigating Officer has recorded statement of two independent witnesses viz. Ashok Shriram Bhalekar and Dattatray Ramnath Lad. Their statements clearly absolve the present applicant Gautam Pawar. Their statements do not show that the present applicant was present at the time of incident. On the contrary, their statements attribute specific role of chasing to other co-accused. In that view of the matter, application of the present applicant can be considered favourably. That leads me to pass the following order.

(i) Present Criminal Application is hereby allowed.

(ii) In the event of arrest in connection with Crime No. 22/2015 registered with Pimpalner police station, District Beed for the offences punishable u/s 302,143,147,

148,149 and 326 of the Indian Penal Code and u/s 3 (ii) (v) of the Scheduled Castes and the Scheduled Tribes [Prevention of Atrocities] Act, applicant Gautam s/o Bhanudas Pawar be released on anticipatory bail on he executing P.R. Bond of Rs. 10,000/- [Rupees Ten Thousand] with two solvent sureties of like amount.

- (iii) Applicant Gautam s/o Bhanudas Pawar shall attend Pimpalner police station once in a fortnight preferably on every Sunday in between 3.00 – 5.00 p.m. till the charge sheet is filed.
- (iv) With these observations, Present Criminal Application is disposed of.

[V.M.DESHPANDE, J.]