

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

CRIMINAL APPLICATION NO. 3626 OF 2015.

SWAPNIL RAJESH MUDIRAJ AND OTHERS.

VERSUS

THE STATE OF MAHARASHTRA.

Appearance =>

Mr. Vishal A. Bagdiya, Advocate for the Applicants.

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

CORAM : V.M. Deshpande, J.

DATE : 23rd July, 2015.

Per Court :-

Present Criminal Application is filed by the Applicants for grant of regular bail in connection with CR No.136/2015 registered with Police Station, Hingoli (City), District – Hingoli for the offences punishable under Section/s 307, 323, 504 read with 34 of the Indian Penal Code.

[2] Heard Mr. Vishal A. Bagdiya, learned counsel for the Applicants and Mr. V.H. Dighe, learned Additional Public Prosecutor for the State.

[3] Investigation is in progress. Charge sheet is not filed. First Information Report is lodged by Sayyad Irfan Sayyad Pashu, who has specifically attributed the role in respect of attack on him, by

dangerous weapons by Applicant No.2 – Ajay Balwantrao Deshmukh, Applicant No.3 – Pradip Samadhan Khandare and Applicant No.4 – Gajanan Hanumantrao Pawar.

[4] Mr. Vishal A. Bagdiya, learned counsel submits that he wish to withdraw the application filed for Applicant Nos. 2 to 4; since the court is not inclined to grant the relief in their favour. He submits that, liberty be granted to the Applicants to file bail application, afresh before the trial court, after filing of the charge sheet. Prayer is accepted. Hence, Application filed on behalf of Applicant Nos. 2 to 4 is dismissed as withdrawn.

[5] In so far as Applicant No.1 – Swapnil Rajesh Mudiraj, is concerned, from the First Information Report and from other statements, role attributed to the present Applicant No.1 – Swapnil is that he has used abusive words and he has given fist and kick blows. Nothing is recovered at his instance.

[6] Looking to the nature of accusation made against Applicant No.1 Swapnil, this court is inclined to grant the bail in favour of Applicant No.1. That leads me to pass the following order :-

ORDER

(i) Criminal Application is partly allowed.

(ii) Applicant No.1 - Swapnil Rajesh Mudiraj shall be released on regular bail on he executing P.R. Bond of Rs. 10,000/- [Rs. Ten Thousand.] with one solvent surety in the like amount, in connection with CR No.136/2015

registered with Police Station, Hingoli (City), District – Hingoli for the offences punishable under Section/s 307, 323, 504 read with 34 of the Indian Penal Code.

(iii) The Applicant shall attend Police Station, Hingoli (City), District – Hingoli twice in a week, preferably on every Sunday and Friday, between 3.00 to 5.00 p.m., till Charge Sheet is framed.

(iv) Bail before trial court.

(v) Application filed by Applicant No.2 – Ajay Balwantrao Deshmukh, Applicant No.3 – Pradip Samadhan Khandare and Applicant No.4 – Gajanan Hanumantrao Pawar is hereby dismissed.

(vi) Applicant No.2 – Ajay Balwantrao Deshmukh, Applicant No.3 – Pradip Samadhan Khandare and Applicant No.4 – Gajanan Hanumantrao Pawar shall be at liberty to file bail application, afresh before the trial court, after filing of the charge sheet.

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

(V.M. DESHPANDE, J.)