

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

CRIMINAL APPLICATION NO. 3749 OF 2015

Nitin s/o Ashokrao Kulkarni

.... APPLICANT

V E R S U S

The State of Maharashtra

.... RESPONDENT

.....

Mr. R.G.Hange, Advocate for Applicant.

Mrs. Pratibha Bharad, A.P.P. for Resp. – 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.G.Hange, learned counsel for the applicant and Mrs. Pratibha Bharad, learned A.P.P. for respondent – 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. Learned A.P.P. has pointed out that during the course of investigation, statement of Vilasbai and Babasaheb, mother and brother of the deceased are recorded. In their statement, they have stated that name of present applicant Nitin is given by the first informant by mistake. According to their statement, when the enquiry was made by them with the first informant as to why name of Nitin is stated in the F.I.R., that time it is revealed to them by first informant that since at the time of incident, applicant Nitin was standing nearby, therefore, his name was taken in the F.I.R.

5. With such material available on record, false implication, at least *prima facie*, of the present applicant can not be ruled out. 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 Nitin s/o Ashokrao Kulkarni be released on anticipatory bail on he executing P.R. Bond of Rs. 5,000/- [Rupees Five Thousand] with one solvent surety of like amount.

- (iii) With these observations, Present Criminal Application is disposed of.

[V.M.DESHPANDE, J.]