

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

CRIMINAL APPLICATION NO.4393 OF 2015

1. Rajesh s/o Dadarao Raut
Age 25 years, Occu. Agri.,
2. Dadarao s/o Marotrao Raut,
Age 50 years, Occu. Agri.,
3. Murlidhar s/o Prabhakar Raut,
Age 30 years, Occu. Agri.,

All R/o Rani Unchegaon,
Taluka Ambad, District Jalna

..Applicants

Versus

- The State of Maharashtra,
Through Investigation Officer,
Police Station, Ambad,
District Jalna

..Respondent

Mr R.J. Nirmal, Advocate for applicants
Mrs B.B. Gunjal, A.P.P. for respondent

CORAM : N.W. SAMBRE, J.

DATE : 28th August 2015

PER COURT

Heard.

2. The present applicants are accused of commission of crime, punishable under Sections 307, 143, 147, 148, 149, 323, 324, 504, 506 of the Indian Penal Code read with Section 135 of the Bombay Police Act.

3. The complaint came to be lodged by one Sham alleging that the accused Rajesh, applicant No.1 herein has used knife in the commission of crime whereas, Dadarao has administered poison in the mouth of complainant Sham with the assistance of other accused persons.

4. The investigation papers disclose that the complainant Sham has suffered simple injuries and so far as the use of poison is concerned, it is not disputed that at the behest of accused Murlidhar, who is seeking pre-arrest bail, Crime No.154/2015 is registered in the same Police Station for offence punishable under Section 307 of the Indian Penal Code.

5. In view of above, false implication cannot be ruled out.

6. In view thereof, present Criminal Application stands allowed.

7. The applicants Rajesh s/o Dadarao Raut, Dadarao s/o Marotrao Raut, and Murlidhar s/o Prabhakar Raut, in the event of their arrest in connection with the Crime No.I-158/2013 registered at Ambad Police Station, District Jalna, for the offences punishable under Sections 307, 143, 147, 148, 149, 323, 324, 504, 506 of the Indian Penal Code and under Section 135 of the Bombay Police Act, be released on bail, upon furnishing P.R. Bond of Rs.10,000/- with one surety by each of them.

8. The applicants shall attend the Police Station, Ambad, District Jalna everyday between 10.00 am to 11.00 am

9. The applicants shall keep themselves away from village Rani Unchegaon, Taluka Ambad, District Jalna, but for the present proceedings.

(N.W. SAMBRE, J.)

vvr