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

CRIMINAL APPLICATION NO.4694 OF 2015

Niranjan Jagganath Tayade ..APPLICANT

VERSUS

The State of Maharashtra ..RESPONDENT

Mr D.B. Shinde, Advocate for applicant;
Mrs M.A. Deshpande, A.P.P. for respondent

CORAM : N.W. SAMBRE, J.

DATE : 14th October, 2015

ORAL ORDER :

By the present application, the applicant seeks release on bail, in the event of his arrest, in connection with C.R. No.36 of 2015, registered with Nimbhora police station, for offences punishable under sections 392, 323, 504, 506 read with sec. 34 of the Indian Penal Code.

2. Learned Counsel appearing on behalf of the applicant submits that the applicant is an elected member of the Village Panchayat and was initially assaulted by the complainant, resulting into registration of C.R. No.35 of 2015, for offences punishable under sections 349, 323, 504, 506 read with sec.34 of the Indian Penal Code and section 3 (1) (x) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities Act.

3. With a view to give counter blast, the complainant has filed the present complaint against the applicant herein.

4. Apart from above, learned Counsel would urge that there is political rivalry between the complainant and the applicant, as the applicant herein

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was declared elected as a member of the village Panchayat, defeating the candidature of the complainant and as such, the present complaint is filed.

5. While opposing the application, learned Addl. Public Prosecutor would urge that custodial interrogation of the applicant is necessary in the present case as an offence under section 392 of the Indian Penal Code is registered against the applicant and recovery of gold chain, weighing 5 Grams, is yet to be made. She would further urge that so as to maintain law and order, the application be rejected.

6. Having perused the first information report and the case diary, it is required to be noted that the applicant herein has filed first information report against the complainant, which is prior in point of time, resulting in registration of C.R. No.35 of 2015 on 16th August, 2015, pursuant to the incident dated 15th August, 2015. It is the complainant, who has filed the first information report later on, implicating the applicant herein. Though the allegation of assault is there, there is no medical evidence to that effect.

7. In view of above, in my opinion, it will be appropriate to enlarge the applicant on bail, in the event of his arrest. Thus, the following order :-

In the event of arrest of the applicant, in connection with C.R. No.36 of 2015, registered with Nimbhora police station, for offences punishable under sections 392, 323, 504, 506 read with sec. 34 of the Indian Penal Code, he be released on bail, on furnishing P.R. Bond of Rs.15,000/- with one surety in the like amount.

The applicant shall attend the concerned police station initially for three days, between 10.00 a.m. and 11.00 a.m. and thereafter as and when called by the Investigating Officer.

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Criminal Application stands allowed in above terms.

(N.W. SAMBRE, J.)

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