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

CRIMINAL APPLICATION NO. 4896 OF 2015

1. Pandit S/o Lalsing Rathod
2. Dilip S/o Ashok MaghadeAPPLICANTS

VERSUS

The State of MaharashtraRESPONDENT

Mr P. S. Paranjape, Advocate for applicants;
Mrs M. A. Deshpande, Addl. Public Prosecutor for respondent

CORAM : N.W. SAMBRE, J.

DATE : 21st October, 2015

ORAL ORDER :

Learned Counsel appearing on behalf of the applicants, upon instructions, seeks leave to withdraw the application, to the extent of applicant no.2 Dilip s/o Ashok Maghade. Leave granted. Criminal Application stands dismissed, to the extent of applicant no.2 Dilip s/o Ashok Maghade, as withdrawn.

2. The incident is alleged to have taken place on 6th August, 2015, for which first information report has been lodged on 9th August, 2015. The allegation against applicant no.1 Pandit s/o Lalsing Rathod is that he has threatened the complainant with knife.

3. Mr Paranjape, learned Counsel appearing on behalf of the applicants, while making out a case for grant of pre-arrest bail to applicant no.1 Pandit, would urge that though the offence punishable under section 307 of the Indian Penal Code is registered, yet the fact remains that perusal of the first information report and other papers reflect that there are no specific attributions against applicant no.1, in relation to use of knife for causing any injury, much less injury which might cause death of the

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complainant.

4. While opposing the application, learned Addl. Public Prosecutor would urge that in view of *prima facie* involvement of applicant no.1 Pandit in the crime in question and the nature of the offence being serious one, the application be rejected.

5. In the background of above referred submissions, having perused the investigation papers, it is noticed that only attribution against applicant no.1 Pandit is in relation to threats given by him to the complainant with the help of knife.

6. The incident has occurred in the background of village panchayat elections and results thereof. The injury noticed in the medical papers reflects a simple injury by hard and blunt object.

7. In view of above, false implication of applicant no.1 Pandit cannot be ruled out. In view thereof, in my opinion, applicant no.1 Pandit deserves to be released on bail. I, therefore, pass following order :-

In the event of arrest of applicant no.1 Pandit s/o Lalsing Rathod, in connection with C.R. No.80 of 2015, registered with Charthana police station, for offences punishable under sections 307, 452, 323, 504, 506 read with sec. 34 of the Indian Penal Code, he be released on bail, on furnishing P.R. Bond of Rs.10,000/- with one surety in the like amount.

Applicant no.1 Pandit s/o Lalsing Rathod 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.

Criminal Application stands allowed in above terms.

(N.W. SAMBRE, J.)

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