

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

CRIMINAL APPLICATION NO.5058 OF 2015

1. Ramrao s/o Arjun Ubale
Age 43 years, Occu.Agri.,
R/o Karanji at Jintoor,
Taluka Jintoor, Dist. Parbhani
2. Kamlakar s/o Gangaram Ubale,
Age 62 years, Occu. Agri.,
R/o Sambhaji Nagar, Jintoor,
Taluka Jintoor, Dist. Parbhani
3. Rahul s/o Sahebrao Bhavre,
Age 22 years, Occu. Labour,
R/o Karanji, Taluka Jintoor,
District Parbhani
4. Sahebrao s/o Husnaji Bhavre,
Age 65 years, Occu. Agri.,
R/o Karanji, Taluka Jintoor,
District Parbhani

..Applicants
(Orig.accused Nos.1,2,4
& 5)

Versus

- The State of Maharashtra,
through Police Station Officer,
Jintoor Police Station, Taluka
Jintoor, District Parbhani

..Respondent

Mr N.V. Gaware, Advocate for applicants
Mr S.N. Morampalle, A.P.P. for respondent

CORAM : N.W. SAMBRE, J.

DATE : 16th October 2015

PER COURT

1. The applicants herein are seeking regular bail in Crime No.152/2015 registered at Jintoor Police Station, District Parbhani for offences punishable under Sections 307, 394, 452, 354-A, 427, 435 of Indian Penal Code.

2. The case of the prosecution appears to be that the applicants herein have assaulted the complainant and tried to outrage her modesty and also tried to destroy the household articles, which resulted into registration of crime in question.

3. The applicants were arrested on 20th August 2015 and are behind the bars since then.

4. The litigation between the parties has chequered history. There is another Crime No.166/2015, which was registered against the complainant and her other family members, for the offences punishable under Section 143, 147, 327, 323, 504, 506 of Indian Penal Code. It is also required to be noted that there is another offence registered vide Crime No.323/2013, for the offence punishable under Section 395, 307 of the Indian Penal Code at the behest of present complaint – Ashamati against the applicants herein in which this Court has already granted pre-arrest bail.

5. It is not in dispute that the complainant Ashamati and the applicant No.1 Ramrao are husband and wife and the proceedings under the Protection of Women from Domestic Violence Act are already initiated vide Misc.Cri.Application No.195 of 2013 in the Court of Judicial Magistrate, First Class, Jintoor.

6. The fact remains that the perusal of the case papers depicts that the complainant has suffered simple injuries by hard and blunt object. So far as the other allegations are concerned, the applicants are already in P.C.R. and nothing is to be recovered from the

applicants. Apart from above, so far as the allegation of burning of motorcycle is concerned, there is no spot panchnama or seizure of the same in the investigation papers. As such, false implication of the present applicants in commission of crime in question cannot be ruled out. Apart from above, the complainant herein was working as Hostel Superintendent of an institution managed by applicant No.1 and has differences in between them which resulted in various complaints initiated by the complainant against applicant No.1 Ramrao. The learned Sub-Divisional Police Officer, Jintoor has already submitted a report in the matter of conduct of present complainant in the matter of initiation of various complaints at her behest.

7. In above background, the present application needs to be allowed. As such, I proceed to pass the following order.

(I) The applicants be released on bail in connection with Crime No.152/2015 registered at Jintoor Police Station, District Parbhani for offences punishable under Sections 307, 394, 452, 354-A, 427, 435 of Indian Penal Code, upon furnishing P.R. Bond of Rs.15,000/- (Rs. Fifteen thousand) with one surety in the like amount by each of them.

8. Criminal Application stands allowed in above terms.

(N.W. SAMBRE, J.)

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