

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

CRIMINAL APPLICATION NO.5168 OF 2015

Raghunath s/o Manga Bari,
Age 52 years, Occu. Business,
R/o Pura Galli Khalchegaon,
Shirpur, District Dhule

..Applicant

Versus

1. The State of Maharashtra,
through Superintendent of Police,
Dhule

2. P.S.I. Police Station, Shirpur,
Taluka Shirpur, District Dhule

..Respondents

Mr P.B. Patil, Advocate for applicant
Mr R.B. Bagul, A.P.P. for respondents

CORAM : N.W. SAMBRE, J.

DATE : 19th October 2015

PER COURT

Heard.

1. The applicant herein is seeking pre-arrest bail in Crime No.194 of 2015 registered on 4th August 2015 at Shirpur Police Station, District Dhule, for offences punishable under Sections 307, 323, 504, 506 read with sec.34 of Indian Penal Code took place on 3rd August 2015 at 2.15 p.m.

2. It is the case of the prosecution that applicant-Raghunath has used sickle in the commission of crime in question, whereas his son Vishal has used fists blows. According to applicant, in view of business rivalry, the applicant is implicated falsely in the crime in question.

3. Learned Addl.Public Prosecutor and the Counsel Mr Swapnil Patil, learned Counsel appearing for the complainant, while assisting the learned A.P.P., would urge that there are eye witnesses to the incident and according to him, the offence is serious in nature, as the applicant has tried to kill the complainant.

4. Attention of this Court is also invited to the statements of the eye witnesses to the incident.

5. If the evidence collected by the investigating agency in the light of contents of first information report are perused, it is required to be noted that in the medical evidence that is brought on record, complainant has suffered three contusions, which in any case, cannot be caused because of use of sickle. In view thereof, the case of the prosecution that the applicant - Raghunath has used sickle in the commission of crime causing grievous hurt to the complainant appears to be prima facie incorrect.

6. Apart from above, it is also required to be noted that the alleged incident took place on 3rd August 2015, whereas the same was reported on 4th August 2015. There is no explanation as to why there is delay of about a day in lodging the first information report. In view thereof, the present applicant is entitled for pre-arrest bail. As such, I proceed to pass the following order.

(I) In the event of his arrest, the applicant Raghunath Manga Bari be released on bail in Crime No. 194 of 2015 registered on 4th August 2015 at Shirpur Police Station, District Dhule, for offences punishable under Sections 307, 323, 504, 506 read with sec.34 of Indian Penal Code, upon furnishing P.R. Bond of Rs.15,000/- (Rs. Fifteen thousand) with one surety in the like amount.

(II) The applicant shall attend the concerned Police Station initially for two days from 10.00 a.m. to 11.00 a.m. and thereafter, as and when called by the investigating Officer.

7. Criminal Application stands allowed in above terms.

(N.W. SAMBRE, J.)

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