

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

CRIMINAL APPLICATION NO.5378 OF 2015

Sahebrao s/o Namdevrao Dhulgunde,
Age 43 years, Occu. Agril.,
R/o Pendu (K.), Taluka Palam,
District Parbhani

..Applicant

Versus

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

..Respondent

- WITH -

CRIMINAL APPLICATION NO.5247 OF 2015

1. Subhash s/o Namdevrao
Dhulgunde, Age 55 years,
Occupation Agriculture

2. Ravikumar s/o Subhash
Dhulgunde, Age 23 years
Occupation Education

Both R/o Pendu (K)
Taluka Palam, Dist. Parbhani

3. Piraji s/o Balaji Surnar,
Age 26 years, Occu. Education,
R/o Goundgaon, Taluka Loha,
District Nanded

..Applicants

Versus

- The State of Maharashtra,
through Police Station Officer,
Police Station, Palam,
Taluka Palam, Dist. Parbhani

..Respondent

Mr H.V. Patil, Advocate for applicants
Mrs M.A. Deshpande, A.P.P. for respondent-State
Mr M.B. Sandanshiv, Advocate for complainant assisting the A.P.P.

CORAM : N.W. SAMBRE, J.

DATE : 15th October 2015

PER COURT

1. Heard Mr Patil, learned Counsel for the applicants, Mrs. Deshpande, learned A.P.P. for respondent-State, assisted by Mr Sandanshiv, learned Counsel for the complainant.

2. The applicants herein are seeking pre-arrest bail in Crime No.91/2015 registered at Palam Police Station, Taluka Palam, District Parbhani for offences punishable under Sections 307, 323, 504, 506 read with sec.34 of Indian Penal Code, for an incident dated 19th August 2015 for which first information report came to be lodged on 26th August 2015.

3. The applicants herein are the office bearers of an educational society where Dhruvat, husband of the complainant Rekha was working as a Peon.

4. It is the case of the complainant Rekha that she along with her husband went to the institution, where he was serving and at that point of time, the applicants caught hold her and poured insecticide in her mouth.

5. As a consequence, complainant Rekha was admitted in government hospital and thereafter in a private hospital.

6. While trying to make out the case for grant of anticipatory bail, learned counsel for the applicants would urge that there is delay in lodging the first information report, as the incident took place on 19th August 2015 whereas the first information report was lodged on 26th August 2015. In addition to above, he would urge that the complainant Rekha had no cause to visit the spot of the incident which is a school wherein her husband was working as a Peon. He would submit that in view of insubordination on the part of her husband Dhruvat, the management was to initiate action against him and so as to give counter blast, the present complaint is filed. According to him, the applicants are falsely implicated in the crime in question.

7. While opposing the bail application, learned A.P.P., assisted by Mr Sandanshiv, Counsel for the complainant would urge that the applicants are habitual criminal, as there is history against them. In addition, learned A.P.P. would urge that there are witnesses who speak voluminous about the conduct of the present applicants and there is prima facie evidence available against the applicants in the matter of commission of crime in question, in addition to the medical evidence.

8. With the assistance, I have perused the case diary and the papers which are produced by the respective parties.

9. Prima facie, it depicts that the alleged incident as is rightly claimed by the learned Counsel for the applicants took place on 19th August 2015 for which the first information report came to be lodged on 26th August 2015. The only explanation given by the complainant Rekha was that she was hospitalised during the said period.

10. This Court cannot overlook the fact that the husband of the complainant Rekha namely Dhruvat was very much claimed to have been present at the spot of the incident and it was open for him to lodge the complaint against the applicants. If the incident in question alleged to have taken place in the school premises, this Court must judicial note of the fact that complainant had no occasion to visit the place of incident. Apart from above, it is required to be taken note of the fact that in the supplementary statement, which was given by Rekha after a period of about fifteen days from the date of incident, she has improved the case to a great extent making wild allegations against the present applicants, which prima facie depicts that she had tried to implicate the applicants in a false crime.

11. Apart from above, it is required to be noted that the husband of complainant Dhruvat, being an employee of institution of which the applicants are office bearers and in view of charge of insubordination against Dhruvat, false implication of the applicants in commission of crime in question cannot be ruled out.

12. In view of above background, it will be appropriate, in my opinion, to grant bail to the applicants. Hence, I proceed to pass the following order.

(I) In the event of their arrest in connection with Crime No.91/2015 registered at Palam Police Station, Taluka Palam, District Parbhani for offences punishable under Sections 307, 323, 504, 506 read with sec.34 of Indian Penal Code, the applicants be released on bail, upon furnishing P.R. Bond of Rs.20,000/- (Rs. Twenty thousand) with one surety in the like amount, by each of them;

(II) The applicants shall attend the concerned Police Station initially for four days from 10.00 am to 11.00 am and thereafter as and when called by the investigating Officer.

13. Criminal Applications stand allowed in above terms.

(N.W. SAMBRE, J.)

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