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

CRIMINAL APPLICATION NO.5254 OF 2015

1. Mamraj Rangnath Pawar,
2. Anil Maharu Pawar,
3. Punamchand Rangnath Pawar,
4. Anjana Prakash Pawar,
5. Nirmala Anil Pawar

All R/o Anchaletanda,
Tq. & Dist. Dhule

..APPLICANTS

VERSUS

The State of Maharashtra

..RESPONDENT

Mr Mahesh V. Ghatge, Advocate for applicants;
Mr S.N. Morampalle, A.P.P. for respondent

CORAM : N.W. SAMBRE, J.

DATE : 21st October, 2015

ORAL ORDER :

By the present application, the applicants seek their enlargement on bail, in the event of arrest, in connection with C.R. No.129 of 2015, registered with Dhule Taluka police station, Tq. & Dist. Dhule, for offences punishable under sections 143, 147, 323, 148, 149, 504, 506 and 395 of the Indian Penal Code.

2. The incident is alleged to have taken place on 13th May, 2015, for which first information report has been lodged on 14th May, 2015. It is the

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case of the prosecution, that the applicants have assaulted the complainant and have taken away gold chain weighing 10 Grams; gold ring weighing 4 Grams and cash of Rs.5,000/-, resulting into registration of crime in question.

3. While making out a case for grant of pre-arrest bail, Ghatge, learned Counsel appearing on behalf of the applicants, would urge that perusal of the first information report does not reflect a probable case by the complainant, particularly in the background of the fact that all family members, including that of female members, are impleaded as accused. Apart therefrom, he would submit that at the behest of one of the accused in the present crime, C.R. No.128 of 2015 was registered against the complainant, his sons and other persons at Dhule Taluka police station, for offences punishable under sections 324, 323, 504, 506 read with sec. 34 of the Indian Penal Code and with an intention to give counter blast to the said complaint, the applicants have been falsely implicated in the present crime.

4. Learned Addl. Public Prosecutor would urge that in view of offence punishable under section 395 of the Indian Penal Code, this Court should be slow in granting discretionary relief in the present crime. He, therefore, prayed to reject the application.

5. Upon perusal of the case papers and the attributions in the first information report, it is required to be noted that there are sweeping allegations against the applicants. No specific role is attributed to each of them. Apart therefrom, in view of the fact that all the family members of the applicants are impleaded in the crime in question, prima facie, false implication of the applicants cannot be ruled out. In view thereof, in my opinion, it will be appropriate to enlarge the applicants on bail, in the event of their arrest.

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In the event of arrest of the applicants, in connection with C.R. No.129 of 2015, registered with Dhule Taluka police station, Tq. & Dist. Dhule, for offences punishable under sections 143, 147, 323, 148, 149, 504, 506 and 395 of the Indian Penal Code, they be released on bail, on each of them furnishing P.R. Bond of Rs.10,000/- with one surety in the like amount.

The applicants 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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