

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

CRIMINAL APPLICATION NO.5298 OF 2015

1. Kailas s/o Manikrao Dethe,
Age 35 years, Occu. Agri.,
R/o Khapudi, Taluka and
District Jalna
 2. Ramu s/o Jagdish Dethe,
Age 25 years, Occu. Agri.,
R/o As above
- ..Applicants

Versus

- .
- The State of Maharashtra,
Through Investigation Officer,
Police Station, Jalna,
Taluka and District Jalna
- ..Respondent

Mr R.J. Nirmal, Advocate for applicants
Mrs M.A. Deshpande, A.P.P. for respondent

CORAM : N.W. SAMBRE, J.

DATE : 13th October 2015

PER COURT

Heard learned Counsel for the applicants.

2. The applicants are seeking pre-arrest bail in Crime No.I-218 of 2015 registered at Police Station, Taluka Jalna, District Jalna, for the offences punishable under Sections 324, 323, 504, 506 read with sec.34 of the Indian Penal Code and under Section 3 (1) (x) of the Scheduled Castes and Scheduled Tribe (Prevention of Atrocities) Act, for the incident dated 24th August 2015.

3. Learned Counsel for the applicants, while trying to make out a case for grant of pre-arrest bail, particularly in the light of bar under Section 18 of the Scheduled Castes and Scheduled Tribe (Prevention of Atrocities) Act, for grant of pre-arrest bail would urge that the

implication of the applicants is false, as at the behest of the applicant No.1 Kailas, offence under Sections 452, 504, 506 read with sec.34 was registered against the complainant Sevakram and his son Lala and one Santosh pursuant to an incident dated 24th August 2015. According to him, so as to give counter blast, the present complaint is given against the applicants implicating them falsely.

4. Learned Counsel for the applicants would urge that the applicants be released in the event of their arrest.

5. Learned A.P.P. Mrs Deshpande would urge that complainant Sevakram was hospitalised for a period of five days i.e. from 24th August 2015 to 29th August 2015 in Civil Hospital at Jalna and as such, after recovery from the said incident, he has lodged the complaint, as such there is delay. She would urge that there is evidence on record implicating the applicants in the matter of commission of crime in question and according to her, since the investigation is in progress and looking to the seriousness of commission of offence committed by the applicants, the application be rejected.

6. With the assistance, I have perused the case diary. The complainant was hospitalised in Civil Hospital at Jalna. Pursuant to which M.L.C./DD4/9042 of 2015 came to be registered, which papers are missing from the investigation papers, which are produced before this Court. Apart from above, it is required to be noted that the complaint of the applicants is prior in point of time against the complainant Sevakram which has resulted into registration of Crime No.I-204 of 2015. In my opinion, there is prima facie case made out

by the applicants as regards their false implication in commission of crime in question, in absence of M.L.C. papers in the present case. No reason whatsoever is furnished for filing delayed first information report by the complainant Sevakram as there is delay of 15 days caused in filing the complaint.

7. In the above referred background, it will be appropriate, in my opinion to grant pre-arrest bail to the applicants. Hence, I proceed to pass the following order.

(I) In the event of their arrest in connection with Crime No.I-218 of 2015 registered at Police Station, Jalna, for the offences punishable under Sections 324, 323, 504, 506 read with sec.34 of the Indian Penal Code and under Section 3 (1) (x) of the Scheduled Castes and Scheduled Tribe (Prevention of Atrocities) Act, the applicants be released on bail upon furnishing P.R. Bond of Rs.15,000/- (Rs.Fifteen thousand) with one surety in the like amount;

(II) The applicants shall not enter the jurisdiction of concerned Police Station till filing of the charge-sheet.

8. Criminal Application stands allowed in above terms.

(N.W. SAMBRE, J.)

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