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

CRIMINAL APPLICATION NO.5330 OF 2015

Laxman s/o Ankush Shelke

..APPLICANT

VERSUS

The State of Mah. & anr.

..RESPONDENTS

Mr S.J. Salunke, Advocate for applicant;
Mr N.T. Bhagat, A.P.P. for respondents

CORAM : N.W. SAMBRE, J.

DATE : 27th October, 2015

ORAL ORDER :

By the present application, the applicant seeks his release on bail, in the event of arrest, in connection with C.R. No.121 of 2015, registered with police station Beed (Rural), Dist. Beed, for offences punishable under sections 120-B, 143, 147, 148, 149, 450, 427, 336, 395 and 307 of the Indian Penal Code.

2. The incident is alleged to have taken place on 29th June, 2015, for which the first information report has been lodged on 30th June, 2015.

3. It is the case of the prosecution, that the present applicant was one of the members of unlawful assembly, which with a common object attacked the complainant and his family, on the aspect of possession of the land, in relation to which a civil dispute is already pending before the competent Civil Court.

4. Mr Salunke, learned Counsel appearing on behalf of the applicant, while trying to make out a case for grant of pre-arrest bail, would urge that

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there are sweeping allegations against in all twenty persons and the applicant is named as one of them. There are no specific attributions against the applicant, in the first information report and according to him, in view of pendency of civil dispute, false implication of the applicant cannot be ruled out.

5. Learned Addl. Public Prosecutor, while relying upon the statement of witness Rudragir and medical evidence, would urge that there is *prima facie* involvement of the applicant in commission of the crime in question and prays for rejection of the application.

6. Having considered the submissions advanced on behalf of the respective parties, it is required to be noted that the statement of Rudragir was recorded almost after five days of registration of the offence. The said witness Rudragir has stated that the applicant along with others, has hit him, his wife and his daughter-in-law with the help of stick and kick blows.

7. Perusal of the medical papers depicts that the victim has suffered simple injuries, but for one grievous injury.

8. In view of above referred backdrop, false implication of the applicant, in the crime in question, cannot be ruled out. In view thereof, in my opinion, it will be appropriate to protect the applicant. Thus, the following order :-

In the event of arrest of the applicants, in connection with C.R. No.121 of 2015, registered with police station Beed (Rural), Dist. Beed, for offences punishable under sections 120-B, 143, 147, 148, 149, 450, 427, 336, 395 and 307 of the Indian Penal Code, he be released on bail, on furnishing P.R. Bond of Rs.25,000/- with one surety in the like amount.

The applicant shall attend the concerned police station initially for three days, between 10.00 a.m. and 11.00 a.m. and thereafter as and

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when called by the Investigating Officer.

The applicant shall not enter territorial jurisdiction of the concerned police station till filing of the charge-sheet, save and except for attending the police station.

Criminal Application stands allowed in above terms.

(N.W. SAMBRE, J.)

amj