

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

CRIMINAL APPLICATION NO. 5471 OF 2015

1. Bharat s/o Damu Pawar,
R/o : Baser, Tq. Sakri, Dist. Dhule
2. Smt. Vandanabai Bharat Pawar,
R/o : Baser, Tq. Sakri, Dist. Dhule ...Applicants

versus

The State of Maharashtra & anr. ...Respondents

...
Mr. N. L. Choudhari, Advocate for the applicants
Mr. G. O. Wattamwar, Addl. Public Prosecutor for respondent/State
...

CORAM : N.W. SAMBRE, J.

DATE : 27th OCTOBER, 2015

ORAL ORDER :

The present applicants are seeking pre-arrest bail in Crime No. 68/2015 registered at Nizampur Police Station, Tq. Sakri, Dist. Dhule for the offence punishable under Sections 354, 392, 323, 504, 506 read with Section 34 of the Indian Penal Code.

2. It is the case of the applicants that, they are falsely implicated in the crime in question. Learned Counsel for the applicants would urge that, before the incident in question, there were complaints and counter complaints, as is apparent from N.C. Nos. 181/2015 and 187/2015. In addition to above, he would urge

that, the applicants herein needs to be protected, as the complainant has narrated complete improbable story, in view of the complaint before learned J. M. F. C., who has directed the investigation in the matter.

3. While opposing the bail application, learned A.P.P. would urge that, there are eye witnesses to the incident and according to him, *prima facie* involvement of the applicants can not be ruled out.

4. Upon perusal of the F.I.R. and the investigation papers, it reflects that, the allegations for the offence punishable under Sections 354 and 392 of the Indian Penal Code are based on improbable story, as is apparent from the statements of the witnesses.

5. So far as the medical evidence on record is concerned, the same speaks contusion and simple injuries.

6. In the background of complaints and counter complaints, false implication of the applicants in the crime in question cannot be ruled out.

7. In view of above, it will be appropriate, in my opinion, to

order the release of the applicants on bail. Hence, I propose to pass the following order :-

In the event of arrest, the applicants be released on bail, upon executing the P.R. bond of Rs.15,000/- (Rs. Fifteen thousand) with one surety in the like amount by each of them, in connection with Crime No. 68/2015 registered at Nizampur Police Station, Tq. Sakri, Dist. Dhule for the offence punishable under Sections 354, 392, 323, 504, 506 read with Section 34 of the Indian Penal Code. The applicants shall attend the concerned police station initially for two days between 10.00 a. m. to 11.00 a.m. and thereafter as and when called.

8. The application stands allowed.

[N.W. SAMBRE, J.]