

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

CRIMINAL APPLICATION NO.5505 OF 2015

1. Vishwanath Shivram Bankar,
Age 46 years, Occu. Agri.,
2. Prashant @ Sagar Vishwanath
Bankar, Age 22 years,
Occupation Service,

Both R/o Devdaithan,
Taluka Shrigaonda,
District Ahmednagar

..Applicants

Versus

- . The State of Maharashtra,
through Police Station Officer,
Police Station, Shrigonda,
Taluka Shrigonda,
District Ahmednagar

..Respondent

Mr N.V.Gaware, Advocate for applicants
Mr A.V. Deshmukh, A.P.P. for respondent
Mr Kakasaheb J.Tandale, Advocate for complainant, assisting the
A.P.P.

CORAM : N.W. SAMBRE, J.

DATE : 16th December 2015

PER COURT

Heard.

2. The applicants herein are seeking pre-arrest bail in Crime No.I-47/2015 registered on 29th April 2015 at Belwandi Police Station, Taluka Shrigonda, District Ahmednagar, for the offence punishable under Section 394, 504, 506 of the Indian Penal Code, for the incident which took place on 25th April 2015,

3. Mr Gaware, learned Counsel for the applicants, while trying to make out the case for grant of pre-arrest bail would urge that the

delay in lodging the F.I.R. is not at all explained. In addition to above, he would urge that the complete improbable story is narrated in the complaint and according to him, admittedly there exists dispute about repayment of hand loan of Rs.1,000/- in between complainant and the applicants, which has resulted into lodging of F.I.R.

4. Learned A.P.P. while opposing the bail application has invited attention of this Court to the case diary and the investigation papers. According to him, there are eye witnesses to the incident in question and as such, prima facie involvement of the applicants in the crime cannot be ruled out.

5. Mr Kakasaheb Tandale, learned Counsel for the complainant, so as to assist the prosecution would urge that the applicant No.2 is a history sheeter and said aspect should be taken into account.

6. Having bestowed my anxious thoughts over the submissions made and having perused the investigation papers, it is noted that the F.I.R. is lodged after a delay of nine days for which there is hardly any explanation on record. Apart from above, perusal of the investigation papers depicts that the eye witnesses to the incident narrated about the scuffle, however, the story of complainant as regards taking out Rs.60,000/- from his pocket is not reflected.

7. The fact about hand loan is not in dispute. In view of above, the interim protection ordered by this Court on 13th October 2015 stands

confirmed.

8. The applicants shall attend the concerned Police Station for four days from 19th December 2015 to 22nd December 2015 between 10.00 a.m. and 12.00 noon and thereafter as and when called for.

9. Criminal Application stands allowed in above terms.

(N.W. SAMBRE, J.)

vvr