

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

Criminal Application No. 5555 of 2015

Udhav s/o. Naroji Kadam,
Age : 67 years,
Occupation : Agriculture,
R/o. Gopa, Taluka : Gangakhed,
District : Parbhani.

.. Applicant.

versus

1. The State of Maharashtra.
2. The Police Station, Gangakhed,
Through Police Inspector,
Gangakhed, Taluka : Gangakhed,
District : Parbhani.

.. Respondents.

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Mr. S.R. Bagal, Advocate, for the applicant.

*Mr. B.V. Virde, Additional Public Prosecutor, for
respondent nos.1 and 2.*

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CORAM : A.M. BADAR, J.

DATE : 3RD NOVEMBER 2015

[Diwali Vacation]

PER COURT :

1. By this application under Section 439 of the Code of Criminal Procedure, 1973, the applicant / accused in Crime No. 174/2014 registered at Police Station, Gangakhed [District : Parbhani] for offences punishable

under Sections 307, 325, 341, 147, 148, 149 and 504 of the Indian Penal Code, is praying for release on bail.

2. As liberty was given to the applicant to move in the Vacation, he being old aged person of 67 years, this matter is taken up for hearing.

3. Heard the learned Counsel for the applicant as well as the learned Additional Public Prosecutor appearing for the State.

4. Perusal of the FIR shows that there was dispute between the prosecuting party as well as accused persons over the field property. According to the prosecution, accused threatened the prosecuting party not to give field on lease and they had extended threat to kill the members of the prosecuting party. FIR reveals that on 17-6-2014 at about 5.30 p.m., applicant along with other accused intercepted the auto-rickshaw in which the members of the prosecuting party, including informant, Surekha d/o. Apparao Bobade were travelling to the field in question. Thereafter they had assaulted the members of the prosecuting party by means of sticks and stones. Averment against the present applicant / accused is to the effect that he had given a blow of stick on head of Narhari - brother of the informant and had injured him.

5. Other accused persons are already reported to be released on bail. The learned trial Court has rejected the application of the applicant on the ground that he remained away from the process of law.

6. The learned Additional Public Prosecutor is not in a position

to clarify this aspect by producing the case diary.

7. Considering the nature of offence and accusation against the applicants, the applicant who is an old aged person of 67 years, deserves to be released on bail.

8. Hence, I pass the following order :-

ORDER

(a) Application is allowed.

(b) Applicant / accused is directed to be released on bail in connection with Crime No. 174/2014 registered at Police Station, Gangakhed [District : Parbhani] for offences punishable under Sections 307, 325, 341, 147, 148, 149 and 504 of the Indian Penal Code, on furnishing P.R. Bond of Rs. 5,000/- [Rupees five thousand] with one surety of the like amount. As a condition of this order, he should not tamper the prosecution evidence in any manner and he should be available for trial.

(c) Application stands disposed of in the above terms.

(A.M. BADAR)
JUDGE

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