

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

CRIMINAL APPLICATION NO.5798 OF 2015

Mahadeo Shankar Giri,
Age 45 years, Occu. Service,
R/o Barshi, Taluka Barshi,
District Solapur

..Applicant

Versus

The State of Maharashtra,
through Police Station Officer,
Paranda Police Station,
District Osmanabad

..Respondent

- WITH -

CRIMINAL APPLICATION NO.6087 OF 2015

1. Yuvraj Shankar Giri,
Age 35 years, Occu. Agri.,
R/o Rosa, Taluka Paranda,
District Osmanabad

2. Hari S/o Shankar Giri,
Age 53 years, Occu. Agri.,
R/o as above

..Applicants

Versus

The State of Maharashtra,
through Police Station Officer,
Paranda Police Station,
District Osmanabad

..Respondent

- WITH -

CRIMINAL APPLICATION NO.6088 OF 2015

1. Nilkant s/o Shankar Giri,
Age 35 years, Occu. Agri.,
R/o Rosa, Taluka Paranda,
District Osmanabad

2. Balu s/o Shankar Giri,
Age 41 years, Occu. Agri.,
R/o as above

..Applicants

Versus

The State of Maharashtra,
through Police Station Officer,
Paranda Police Station,
District Osmanabad

..Respondent

Ms. Pradnya Talekar, Advocate h/f Mr S.B. Talekar, Advocate for
applicants
Mr R.V. Dasalkar, A.G.P. for respondent

CORAM : N.W. SAMBRE, J.

DATE : 18th December 2015

PER COURT

Heard.

2. The applicants herein are seeking pre-arrest bail in Crime No.116/2015 registered on 1st October 2015 at Paranda Police Station, District Osmanabad, for the offences punishable under Sections 307, 326, 324, 147, 148, 149, 504, 506 of the Indian Penal Code.

3. At the behest of wife of one of the applicants, namely Balu, an offence came to be registered against the complainant in the above referred crime resulting into registration of Crime No.115 of 2015, punishable under Sections 452, 354, 327, 323, 504, 506 read with sec.34 of the Indian Penal Code.

4. In the above referred background, learned Counsel for the applicants, while making out the case for grant of pre-arrest bail would urge that in view of enmity between the applicants and complainant, false implication of the applicants cannot be ruled out. She would then with the assistance of record has urged that sweeping allegations, as could be noticed from the F.I.R. are hardly sufficient to

infer that the applicants have committed the crime in question. According to her, the applicants herein so as to give counter blast to registration of Crime No.115 of 2015 are falsely implicated in the present case.

5. The applications are opposed by learned A.P.P. on the ground that there is chequered history to the case in question. According to him, one of the applicants was convicted pursuant to the evidence given by the complainant in a criminal case for three years and in the said background, the applicants herein have assaulted the complainant. He would then urge that there is prima facie involvement of the applicants in the commission of crime in question and has invited attention of this Court to the statement of witness to that effect. In addition to above, he has urged that for the purpose of maintaining law and order in the village, it will be appropriate to reject the application, as the applicants have no respect to law.

6. Perused the investigation papers with the assistance of learned A.P.P. It is prima facie noticed that the complainant in the F.I.R. itself has narrated that in Crime No.37/2011, the applicant Yuvraj was convicted for three years pursuant to the evidence given by the complainant. It is further required to be noted that the above referred narration in the F.I.R. speaks of previous enmity between the complainant and the applicants. The registration of another F.I.R. at the behest of Anuradha Balu Giri bearing Crime No.115/2015 referred supra is also not in dispute.

7. Apart from above, perusal of the allegations depicts that all the four applicants are attributed specific role of using rod, stick and stone in the matter of commission of offence.
8. Perusal of the investigation papers reflects that the nature of injury sustained is different than the allegations made.
9. In view of above background, the story narrated by the complainant appears to be improbable. As such, in my opinion, the applicants are entitled to be released on bail in the event of arrest.
10. In view of ad interim protection ordered by this Court on 23rd October 2015 stands confirmed on the same terms.
11. The applicants shall attend the concerned Police Station on 22nd, 23rd and 24th December 2015 between 10.00 a.m. and 12.00 noon and thereafter, as and when called by the Investigating Officer.
12. Criminal Applications stand allowed in above terms.

(N.W. SAMBRE, J.)

vvr