

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

CRIMINAL APPLICATION NO. 5905 OF 2015

Santosh Tukaram Hire & Ors. **..... APPLICANTS**

V E R S U S

The State of Maharashtra **.... RESPONDENT**

.....

Mr. K.B.Autade, Advocate for Applicants.

Mr. S.M.Ganachari, A.P.P. for Resp. - State.

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CORAM : INDIRA K. JAIN, J.

DATE : 30th NOVEMBER, 2015

ORAL ORDER :-

1. Here is an application for pre-arrest bail in Crime No. I-177/2015 registered at Sangamner City police station, district Ahmednagar for the offences punishable u/ss 323,324,326,504,506 read with section 34 of the Indian Penal Code.

2. Heard Mr. K.B. Autade, learned counsel for applicants and Mr. S.M.Ganachari, learned A.P.P. for Respondent – State. Perused papers of investigation.

3. It is the case of prosecution that on

25/07/2015 complainant Balasaheb Rewaji Sahane was going to his plot situated at Pawbali. That time Ashok Tukaram Hire came there and asked him not to come to Pawbali. It is alleged that present applicants who are brother, son and wife of Ashok Tukaram Hire came there. They assaulted Balasaheb with kicks and fists. Complainant was also abused. Ashok Tukaram Hire brought a knife and assaulted complainant with the same on his back, shoulder and arms.

4. After the incident on the same day report came to be lodged on the basis of which above said crime came to be registered against the applicants and Ashok Tukaram Hire.

5. Considering the role attributed to present applicants and since civil dispute between the parties is going on this Court finds it fit to exercise judicial discretion. Hence the following order.

ORDER

- (i) Criminal Application No. 5905 of 2015 is allowed.
- (ii) Interim protection granted vide Order dated 29/10/2015 is confirmed.
- (iii) In the event of arrest of applicants in Crime No. I-177/2015 registered at

Sangamner City police station, district Ahmednagar for the offences punishable u/ss 323,324,326,504,506 read with section 34 of the Indian Penal Code they shall be released on P.R. and S.B. of ₹ 15,000/- [Rupees Fifteen Thousand] each.

- (iv) Applicants shall not tamper with the prosecution evidence and shall make themselves available as and when required.

[INDIRA K. JAIN]
JUDGE