

IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
BENCH AT AURANGABAD.
APPELLATE SIDE JURISDICTION

CRIMINAL APPLICATION NO. 5992 OF 2015

MAROTI NARAYAN SONAWANE AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER

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Advocate for Applicant : Mr. Nitin B. Suryawanshi.
APP for Respondent : Mrs. M. A. Deshpande.

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CORAM : **INDIRA K. JAIN, J.**

DATE : 23rd November, 2015.

ORAL ORDER:

. This is an application for pre-arrest bail in Crime No.I-155 of 2015 registered with Kopargaon Police Station, District Ahmednagar for the offences punishable under Sections 326, 324, 504, 506, 143, 147, 148, 149 read with 34 of the Indian Penal Code.

2 Heard learned counsel for the parties. Perused case papers.

3 It is the case of prosecution that on 2nd October, 2015 at about 06:00 p.m. Complainant was standing in front of his house. That time Applicants alongwith others assaulted the Complainant Yogesh @ Ashok Sakharam Parkhe resident of village Morvis, Taluka Kopargaon

and witnesses by means of sticks and axe.

4 It appears from the papers of investigation that prior to the report lodged by Ashok in respect of the same incident, Applicant No.6 Rangnath Maroti Sonawane had lodged report with the Police Station that they were assaulted by Complainant and witnesses with deadly weapons, sticks and axe.

5 It is the contention of Applicants that weapons have been already recovered. Their custodial interrogation is not necessary and just to counterblast the complaint lodged by Applicant No.6 Rangnath Maroti Sonawane they have been falsely implicated in the crime.

6 Mr. Nitin B. Suryawanshi, learned counsel for Applicants referred to the order passed by the learned Magistrate while considering the application for police custody remand wherein it was observed that weapons used for alleged commission of crime were seized.

7 Since there was a free fight between two groups, counter complaints were lodged and weapons have been already recovered, custodial interrogation of the Applicants would not be necessary.

Applicants were granted interim protection vide order dated 3rd November, 2015.

8 In the above premise and considering the nature of offences, allegations in FIR and the role attributed to the Applicants this Court finds it fit to exercise the judicial discretion. Hence the following order –

ORDER

- I. Criminal Application No.5992 of 2015 is allowed in terms of prayer clause (B).
- II. In the event of arrest of Applicants in Crime No.I-155 of 2015 registered with Kopargaon Police Station, District Ahmednagar for the offences punishable under Sections 326, 324, 504, 506, 143, 147, 148, 149 read with 34 of the Indian Penal Code, they shall be released on bail on P.R. and S.B. of Rs.5,000/- each.
- III. They shall not tamper with the prosecution

evidence and shall make themselves available as
and when required by the Investigating Agency.

[INDIRA K. JAIN, J.]

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