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

CRIMINAL APPLICATION NO.6105 OF 2015

1. Sunil @ Pandhari Shrikrushna Kalwaghe,
2. Parvatabai w/o Shrikrushna Kalwaghe ..APPLICANTS

VERSUS

The State of Maharashtra ..RESPONDENT

Mr S.J. Salunke, Advocate for applicants;
Mr A.V. Deshmukh, Addl. Public Prosecutor for respondent

CORAM : N.W. SAMBRE, J.
DATE : 17th December, 2015

ORAL ORDER :

The applicants are seeking pre-arrest bail, in connection with C.R. No.40 of 2015, registered with Paradh police station, Jalna, for offences punishable under sections 307, 323, 504 read with sec. 34 of the Indian Penal Code.

2. The incident is alleged to have taken place on 1st October, 2015, for which first information report came to be lodged on 10th October, 2015.

3. Perusal of the first information report depicts that there was a civil dispute in relation to transfer of land, wherein the complainant claimed right of pre-emption, in relation to his property against the applicants.

4. Apart from above, it is claimed by the complainant that he was forcefully administered poison and as such, offence came to be registered

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against the applicants.

5. Perused the investigation papers. The investigation is almost complete. Applicant no.2 is a woman.

6. Perusal of the first information report shows that the wife of the complainant was on the spot, still there is unexplained delay of about ten days in lodging the first information report.

7. In view of above observations, as the matter has background of civil dispute, i.e. right of pre-emption claimed by the complainant, false implication of the applicants cannot be ruled out.

8. In view of the stage at which the investigation is, custodial interrogation of the applicants is hardly necessary.

9. In view thereof, I pass following order :-

In the event of arrest of the applicants, in connection with C.R. No.40 of 2015, registered with Paradh police station, Jalna, for offences punishable under sections 307, 323, 504 read with sec. 34 of the Indian Penal Code, they be released on bail, on each of them furnishing P.R. Bond of Rs.25,000/- with one surety in the like amount.

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Criminal Application stands allowed in above terms.

(N.W. SAMBRE, J.)

amj