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

CRIMINAL APPLICATION NO.6459 OF 2015

Waman s/o Hiranman Chavan & ors. ..APPLICANTS

VERSUS

The State of Maharashtra ..RESPONDENT

Mr D.M. Shinde, Advocate for applicant;
Mr V.H. Dighe, Addl. Public Prosecutor for respondent

CORAM : N.W. SAMBRE, J.
DATE : 22nd December, 2015

ORAL ORDER :

The applicants are seeking pre-arrest bail, in connection with C.R. No.120 of 2015, registered with Goregaon Police Station, Hingoli, for offences punishable under sections 307, 341, 323, 504 read with sec. 34 of the Indian Penal Code.

2. Learned Counsel appearing on behalf of the applicants submits that looking to the age of the applicants and their relation with the complainant, false implication cannot be ruled out, as at the behest of applicant no.1 herein, C.R. No.121 of 2015, for offences punishable under sections 324, 323, 504 read with sec. 34 of the Indian Penal Code was immediately registered against the complainant and his family members. He would then urge that looking to the nature of the allegations, custodial interrogation of

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the applicants is not required.

3. The prayer is opposed by the learned Addl. Public Prosecutor on the ground that the weapon used in the commission of the crime is yet to be recovered and as such, custodial interrogation of the applicants is necessary.

4. Having perused the contents of the first information report and other material placed on record, it is not in dispute that against the complainant and his family members also C.R. No.121 of 2015 is already registered. Applicant no.1 herein and accused no.1 in C.R. No.121 of 2015 are the real brothers and the offences in question appear to have taken place out of partition of family property.

5. Looking to the attributions against each of the applicants, the claim of the prosecution in relation to necessity of custodial interrogation for recovery of weapon is hardly of any assistance, as the weapon used is a stone.

6. In the background of above, in my opinion, it will be appropriate to enlarge the applicants on bail. Thus, the following order :-

In the event of arrest of the applicants, in connection with C.R. No.120 of 2015, registered with Goregaon Police Station, Hingoli, for offences punishable under sections 307, 341, 323, 504 read with sec. 34 of

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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.

Criminal Application stands allowed in above terms.

(N.W. SAMBRE, J.)

amj