

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

CRIMINAL APPLICATION NO. 6750 OF 2015

1. Shri. Madhukar Uttam Dasare,
Age: 28 years, Occ: Agri.,
2. Shri. Rameshwar Kundlik Barkale,
Age: 33 years, Occ: Agri.,
3. Shri. Sudam Eknath Gavande,
Age: 40 years, Occ: Agri.,
4. Shri. Sachin Gangadhar Gavande,
Age: 25 years, Occ: Agri.,
5. Shri. Anil Bhagwan Barkale,
Age: 23 years, Occ: Agri.,
6. Shri. Hanmanta Shantaram Gavande,
Age: 24 years, Occ: Agri.,
7. Shri. Parmeshwar Kundlik Barkale,
Age: 27 years, Occ: Agri.,
8. Shri. Jagannath Maruti Gavande,
Age: 55 years, Occ: Agri.,

All R/o. At Takali,
Taluka Bhokardan, Dist. Jalna.

...Applicants

versus

The State of Maharashtra

...Respondent

.....
Mr. Mukul Kulkarni, Advocate for applicants
Mr. A.V. Deshmukh, A.P.P. for respondent/State
Mr. S.U. Bondarde, Advocate for complainant, to assist A.P.P.
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CORAM : N.W. SAMBRE, J.

DATE : 23rd DECEMBER, 2015

ORAL ORDER :

The applicants are seeking pre-arrest bail, in connection with Crime No. 167/2015, registered on 04/11/2015, at Bhokardan Police Station, District Jalna, for the offence punishable under Sections 307, 143, 147, 148, 149, 324, 323, 504 and 506 of Indian Penal Code, for the incident of 03/11/2015.

2. Mr. Kulkarni, learned Counsel for the applicants would urge that false implication of the applicants in the crime in question could be ascertained from the fact that the incident has given rise out of political rivalry. According to him, in the background of celebration of result of Grampanchayat election, the alleged incident took place and there are sweeping allegations made against the applicants. He would then urge that the F.I.R. was lodged by way of afterthought and same is delayed by 24 hours.

3. In the above referred background, according to him, issue of village politics is also required to be considered by this Court.

4. Learned A.P.P. has fairly invited attention of this Court to the fact that applicant No. 4 Sachin and applicant No. 6 Hanmanta have played hardly any role in the incident and they were present on

spot. He would then urge that applicant No. 8 Jagannath was holding stick, whereas rest of the applicants were armed with sickle or axe.

5. He would then urge that injury certificates of three injured are on record. Two of them have sustained grievous injuries and opinion of one of the victim is kept reserved. According to him, custodial interrogation, as such, is necessary and sought rejection of the bail application.

6. Having perused the case papers and contents of F.I.R., it is to be noted that admittedly the incident as is narrated in the F.I.R. took place in the background of result of Grampanchayat election. It is required to be noted that so far as applicant No. 4 Sachin, applicant No. 6 Hanmanta and applicant No. 8 Jagannath are concerned, there are no serious attribution against them, whereas rest of the applicants are concerned, there is specific role attributed against them.

7. In the above referred background, in my opinion, it will be appropriate to order the release of applicant Nos.4,6 and 8.

8. In the event of arrest, applicant No. 4 Sachin

Gangadhar Gavande, applicant No. 6 Hanmanta Shantaram Gavande and applicant No. 8 Jagannath Maruti Gavande be released on bail, in connection with Crime No. 167/2015, registered at Bhokardan Police Station, District Jalna, for the offence punishable under Sections 307, 143, 147, 148, 149, 324, 323, 504 and 506 of Indian Penal Code, on furnishing P.R. bond of Rs.25,000/- with one surety in the like amount, by each of them.

9. The application of rest of the applicants stands rejected, as there is *prima facie* case against them.

10. Criminal Application stands partly allowed in above terms.

[N.W. SAMBRE, J.]