

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

CRIMINAL BAIL APPLICATION NO. 2118 OF 2015

Laxman Baburao Madiwal & Ors.	.. Applicants
v/s.	
The State of Maharashtra	..Respondent

Mr. Umesh R. Mankapure for the applicants
Mrs. R.V. Newton, APP for respondent State

**CORAM: SMT. ANUJA PRABHUDESSAI, J.
DATED: 20th NOVEMBER, 2015.**

P.C.

1. This is an application for bail filed by the aforesaid applicants, who have been arrested in C.R. No.30 of 2015, registered at Bhilawadi Police Station, Dist. Sangli for the offence under Sections 352B, 392, 454, 323, 504, 34 and 506 of the IPC.

2. At the outset, the learned Counsel for the applicants submits that he does not wish to press for the relief in respect of the applicant no.1 – Laxman Madiwal and is restricting his relief only in respect of applicant nos. 2 and 3. The learned Counsel for the applicants has submitted that there are no serious allegations

against the applicant nos. 2 and 3 and that their presence is not required in custody.

3. The learned APP for the State has submitted that there is a civil dispute pending between the complainant and the applicants. There is possibility of the applicants interfering with the family members members of the complainant and tempering with the evidence.

4. I have considered the submissions of the learned Counsel for the applicants and the learned APP for the State. I have also perused the records. The FIR *prima facie* reveals that on 23.09.2015 at about 9.15 a.m. the complainant had received information that the applicants herein and their father Laxman had trespassed into their house and were throwing out their household articles. The FIR further reveals that when she and her husband had gone to the house, the applicant nos. 2 and 3 herein had abused her and had assaulted her with kicks and blows. The

allegations levelled against the applicant nos. 2 and 3 are not grave or serious in nature. The applicants are in custody since 23.09.2015. Their presence is no longer required for the purpose of investigation and interrogation. The applicant nos. 2 and 3 are the permanent residents of village Khatav, Tal. Palus, Dist. Sangli and that there is no possibility of these applicants absconding or fleeing from the course of justice.

5. Under the circumstances, the application is allowed on the following terms and conditions.

(i) The applicant nos. 2 and 3 are ordered to be released on bail on furnishing bail bonds of Rs.20,000/- with one surety in the like amount to the satisfaction of the learned J.M.F.C., Palus.

(ii) The applicant nos. 2 and 3 shall stay away from village Khatav for a period of 3 months.

(ANUJA PRABHUDESSAI, J.)