

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

CRIMINAL APPLICATION NO.3 OF 2016

1. Mangala w/o Sunil Shinde,  
Age 48 years, Occu. Household

2. Sunil s/o Nimba Shinde,  
Age 51 years, Occu. Service

Both R/o near Golf Club, Nashik

..Applicants

Versus

1. The State of Maharashtra

2. The Police Inspector, Pimpalner  
Police Station, District Dhule

..Respondents

Mr C.R. Deshpande, Advocate for applicants

Mrs R.K. Ladda, A.P.P. for respondents

Mr S.B. Gorde, Advocate for complainant, assisting the A.P.P.

**CORAM : N.W. SAMBRE, J.**

**DATE : 19th January 2016**

**PER COURT**

Heard.

2. The applicant No.2 claims to be a public servant, who is seeking pre-arrest bail in Crime No.87/2015 registered at Pimpalner Police Station on 13<sup>th</sup> December 2015, for the offences punishable under Sections 354, 379, 323, 504 and 506 read with sec.34 of Indian Penal Code.

3. The applicant No.1 and the complainant are the real sisters and it is alleged in F.I.R. that applicants No.1 and 2 so as to establish their right over the property of complainant have assaulted her resulting into registration of crime in question.

4. Learned Counsel for the applicants submits that in view of pending property dispute between the parties, the applicants are falsely implicated in the crime and even otherwise their custodial interrogation is not necessary.

5. Learned A.P.P. opposed the application on the ground that injury certificates speak of number of injuries on the complainant caused because of the assault by applicants No.1 and 2. She would then submit that there is likelihood of applicants No.1 and 2 of tampering the witnesses, as they are residing at same place.

6. Learned Counsel Mr Gorde, appearing for the complainant who has assisted the learned A.P.P. has also opposed the application.

7. Perused the investigation papers. It is noted that the complainant has suffered number of injuries and the fact remains that the applicant No.1 and complainant are real sisters and there are differences on the issue of property.

8. In view of above background and looking to the nature of allegations made in the F.I.R., it will be appropriate, in my opinion, to order release of the applicants. As such, I proceed to pass the following order.

(I) In the event of arrest in Crime No.87/2015 registered at Pimpalner Police Station on 13<sup>th</sup> December 2015, for the offences punishable under Sections 354, 379, 323, 504 and 506 read with sec.34 of Indian Penal Code the applicants be released on bail, upon furnishing P.R. Bond of Rs.15,000/- with two sureties in the like amount, by each of them.

(II) The applicants shall not enter the jurisdiction of Police Station, Pimpalner till conclusion of trial, but for the purpose of attending the Investigating Officer and trial, as there is strong likelihood that applicants may indulge in similar offence or may tamper the witnesses.

9. Criminal Application stands allowed in above terms.

**( N.W. SAMBRE, J.)**

vvr