

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

CRIMINAL APPLICATION NO.35 OF 2016

1. Anand s/o Janardhan Mhaske,
Age 31 years, Occu.Labourer
2. Gangarm @ Premanand s/o
Matta Magare,
Age 30 years, Occu.Education
3. Siddharth s/o Brahmha Adhav,
Age 23 years, Occu.Education

All R/o Ramnagar, S.K. Taluka
and District Jalna

..Applicants

Versus

- . The State of Maharashtra
through the Police Station,
Moujpuri, Taluka and Dist.Jalna

..Respondent

Mr S.G. Magre, Advocate for applicants
Mr U.S. Mote, A.P.P. for respondent

CORAM : N.W. SAMBRE, J.

DATE : 18th January 2016

PER COURT

Heard.

2. The applicants are seeking pre-arrest bail in Crime No.I-138 of 2015 registered at Moujpuri Police Station, District Jalna, for the offences punishable under Sections 307, 341, 143, 147, 148, 149 of Indian Penal Code and under section 4/25, 27 (2) of Arms Act.

3. There is a counter complaint at the behest of present applicants against the complainant vide Crime No.137 of 2015, punishable under Section 307, 143, 147, 148, 149 of Indian Penal Code, under Section

4/25, 27 (2) and under Section 3 (1) (x) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

4. It is the case of the applicants that they were hospitalised because of fracture to their leg and hand and as such, they have sustained serious injuries in crime in question. According to the applicants, their custodial interrogation is not necessary and as such, sought bail in the matter.

5. Learned A.P.P. opposed the application on the ground that custodial interrogation of the applicants is necessary as there are criminal antecedents. He would then urge that there are eye witnesses to the incident in question.

6. Perused the case papers. It is noted that there appears to be previous enmity between the applicants and complainant. The fact remains that the medical evidence on record speaks of the injuries sustained by the applicants.

7. In view of counter complaint, false implication of the applicants in the crime in question cannot be ruled out. In view thereof, the applicants deserve to be released on bail. As such, I proceed to pass the following order.

8. In the event of their arrest, in Crime No.I-138 of 2015 registered at Moujpuri Police Station, District Jalna, for the offences punishable under Sections 307, 341, 143, 147, 148, 149 of Indian Penal Code and under section 4/25, 27 (2) of Arms Act, the applicants be released on

bail, upon furnishing P.R. Bond of Rs.15,000/- with one surety in the like amount, by each of them.

9. The applicant shall attend the concerned Police Station from 20th to 22nd January 2016 between 10.00 a.m. and 12.00 noon and thereafter as and when called by the Investigating Officer.

10. The applicants shall not enter the jurisdiction of concerned Police Station till filing of charge-sheet, but for the purpose of investigation.

(N.W. SAMBRE, J.)

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