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

CRIMINAL APPLICATION NO. 65 OF 2016

1. Gulabrao Bhagwan Patil
2. Rahul Gulabrao Patil ...APPLICANTS

VERSUS

The State of Maharashtra ...RESPONDENT

Mr Amol S. Sawant, Advocate for applicants;
Mr S. J. Salgare, Addl. Public Prosecutor for respondent

CORAM : N.W. SAMBRE, J.

DATE : 2nd February, 2016

ORDER :

At the outset, Mr Sawant, learned Counsel appearing on behalf of the applicants, upon instructions, submits that he does not press the application in respect of applicant no.2 Rahul Gulabrao Patil. Thus, the application to the extent of applicant no.2 Rahul Gulabrao Patil stands dismissed as withdrawn.

2. By the present application under section 439 of the Code of Criminal Procedure, applicant no.1 Gulabrao Bhagwan Patil is seeking his release on bail, in connection with C.R. No.201 of 2015, registered with Shahada police station, District Nandurbar, for offences punishable under sections 307, 323, 504, 506 read with section 34 of the Indian Penal Code.

(2)

3. Learned Counsel appearing on behalf of applicant no.1, while making out a case for grant of bail, would urge that that apart from delay in lodging the first information report, the role ascribed to applicant no.1 does not call for his further detention, as according to him, his custodial interrogation is already over. He has invited my attention to the offence registered against the complainant vide C.R. No.200 of 2015, for the similar incident.

4. Learned Addl. Public Prosecutor submits that the investigation in the matter is almost complete and the charge-sheet is sent for scrutiny. He would then urge that there is material on record, in relation to involvement of applicant no.1 in the crime in question.

5. Perused the investigation papers. It is not disputed that there is delay of four days caused in lodging the first information report, for which no convincing explanation is brought to my notice.

6. Apart from above, the fact remains that, at the behest of the wife of applicant no.1, C.R. No.200 of 2015, in relation to the same incident, is already registered against the complainant, who has been released on bail.

7. The role ascribed to applicant no.1 is use of stick in commission of the crime.

(3)

8. In the above background, in my opinion, further detention of applicant no.1 is hardly of any necessity.

9. In view thereof, applicant no.1 is entitled to be released on bail. I, therefore, pass following order :-

Applicant no.1 Gulabrao Bhagwan Patil be released on bail, on furnishing P.R. Bond of Rs.15,000/- with one surety in the like amount.

Applicant no.1 Gulabrao Bhagwan Patil shall keep himself away from the jurisdiction of the concerned police station, till filing of the charge-sheet.

Criminal Application stands allowed in above terms.

(N.W. SAMBRE, J.)

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