

(1)

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

CRIMINAL APPLICATION NO.99 OF 2016

Kacharu s/o Iraba Marakantwad
and anr.

..APPLICANTS

VERSUS

The State of Maharashtra

..RESPONDENT

**WITH
CRIMINAL APPLICATION NO.100 OF 2016**

Sainath s/o Gangadhar Pashawar

..APPLICANT

VERSUS

The State of Maharashtra

..RESPONDENT

Mr P.P. Uttarwar, Advocate for applicants;
Mr S.Y. Mahajan, Addl. Public Prosecutor for respondent

CORAM : N.W. SAMBRE, J.

DATE : 29th January, 2016

ORDER :

Heard.

2. By these applications under section 438 of the Code of Criminal Procedure, the applicants seek their release on pre-arrest bail, in connection with C.R. No.108 of 2015, registered with Mukhed police station, Dist. Nanded, for offences punishable under sections 324, 354-B, 323, 504, 506 read with section 34 of the Indian Penal Code.

(2)

3. In the background of civil dispute between applicant Kacharu and the complainant, who are *inter se* real brother and sister, learned Counsel appearing on behalf of the applicants seek release of the applicants on pre-arrest bail, on the ground of their false implication in the offence in question.

4. Upon perusal of the investigation papers, the story as is narrated for an offence punishable under section 354-B of the Indian Penal Code, appears to be improbable, as the incident is alleged to have taken place in public view.

5. In the background of the fact that a civil dispute is pending in an appeal between the applicant Kacharu and the complainant and in the light of the observations made herein above, in my opinion, custodial interrogation of the applicant is not necessary, when the complainant and her son have received simple injuries.

6. In view thereof, in my opinion, the applicants are entitled to be released on pre-arrest bail. I, therefore, pass following order :-

In the event of arrest of the applicants, in connection with C.R. No.108 of 2015, registered with Mukhed police station, Dist. Nanded, for offences punishable under sections 324, 354-B, 323, 504, 506 read with section 34 of the Indian Penal Code, they be released on bail, on each of them furnishing P.R. Bond of Rs.10,000/- with one surety in the like amount.

(3)

The applicants shall attend the concerned police station initially from 8th to 11th February, 2016, between 10.00 a.m. and 2 noon and thereafter as and when called by the Investigating Officer.

Criminal Application stands allowed in above terms.

(N.W. SAMBRE, J.)

amj