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

CRIMINAL APPLICATION NO.260 OF 2016

Chingubai w/o Bhagwan Ghule & ors. ..APPLICANTS

VERSUS

The State of Maharashtra ..RESPONDENT

Mr S.S. Wagh, Advocate for applicant;
Mr A.S. Shinde, Addl. Public Prosecutor for respondent

CORAM : N.W. SAMBRE, J.

DATE : 4th February, 2016

ORDER :

By the present application under section 438 of the Code of Criminal Procedure, the applicants seek their release on pre-arrest bail, in connection with C.R. No.I-166 of 2015, registered with Police Station, Dharur, Dist. Beed, for offences punishable under sections 365, 342, 376, 323 read with section 34 of the Indian Penal Code, for the incident alleged to have taken place on 20th November, 2015.

2. While trying to make out a case for grant of bail, Mr Wagh, learned Counsel appearing on behalf of the applicants would urge that apart from unexplained delay of about a month in lodging the first information report, vague allegations are made against the applicants that they have helped the main accused Bandu Shirsath for abducting the complainant.

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3. Learned Addl. Public Prosecutor opposed the application on the ground that there are statements of the witnesses, who have named the present applicants as accused, confirming the role attributed in the first information report.

4. Apart from unexplained delay of one month in lodging the first information report, the probable story as narrated in the first information report, in my opinion, is required to be disbelieved in the background of the scene of the offence, i.e. a public place – Bus Stand.

5. In the above referred background, in my opinion, false implication of the applicants in the crime in question, cannot be ruled out. Thus, 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.I-166 of 2015, registered with Police Station, Dharur, Dist. Beed, for offences punishable under sections 365, 342, 376, 323 read with section 34 of the Indian Penal Code, they be released on bail, on each of them furnishing P.R. Bond of Rs.15,000/- with one surety in the like amount.

Criminal Application stands allowed in above terms.

(N.W. SAMBRE, J.)

amj