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

CRIMINAL APPLICATION NO. 350 OF 2016

Shankar s/o Sopanrao Chavan ..APPLICANT

VERSUS

The State of Maharashtra ..RESPONDENT

Mr S.G. Kawade, Advocate for applicant;
Mr K.D. Munde, Addl. Public Prosecutor for respondent

CORAM : N.W. SAMBRE, J.

DATE : 17th February, 2016

ORDER :

By the present application under section 438 of the Code of Criminal Procedure, the applicant seeks his release on pre-arrest bail, in connection with C.R. No.222 of 2015, registered with city police station, Ambajogai, Dist. Beed, for offences punishable under sections 307, 504, 506 read with section 34 of the Indian Penal Code.

2. The incident is alleged to have taken place on 15th December, 2015, for which the first information report came to be lodged on 16th December, 2015.

3. The prosecution story against the present applicant is that he along with his sons assaulted the brother of the complainant by means of belt, thereby causing injuries on chest and back.

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4. While trying to make out a case for grant of pre-arrest bail, learned Counsel appearing on behalf of the applicant would urge that having regard to the weapon used in commission of the crime in question without corresponding injuries caused to the victim, it would be difficult to believe that the applicant is involved in the crime in question, particularly looking to his age. He would also urge that there is delay of about a day in filing of the first information report, which is not explained.

5. Learned Addl. Public Prosecutor opposed the application on the ground that the victim has suffered grievous injuries and there was a murderous assault. He has invited my attention to the investigation papers.

6. In the background of above referred submissions, I have perused the investigation papers. The applicant, a 60 years old male, is claimed to have assaulted the victim by means of belt, thereby causing injuries on the chest and back of the victim. There are no corresponding injuries noticed in the medical papers.

7. Apart from above, it is required to be noted that custodial interrogation, particularly having regard to the allegations against the applicant is not necessary.

8. In that view of the matter, the applicant is entitled to be released on bail. I, therefore, pass following order :-

(3)

In the event of arrest of the applicant, in connection with C.R. No. 222 of 2015, registered with city police station, Ambajogai, Dist. Beed, for offences punishable under sections 307, 504, 506 read with section 34 of the Indian Penal Code, he be released on bail, on furnishing P.R. Bond of Rs.15,000/- with one surety in the like amount.

The applicant shall attend the concerned police station initially on 26th and 27th February, 2016, between 10.00 a.m. and 12 noon and thereafter as and when called by the Investigating Officer.

The applicant 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.)

amj