

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

CRIMINAL APPLICATION NO. 543 OF 2016

Prashant @ Babu Radhakishan Ajage,
Age:23 years, Occ: Service,
As Mapari (Mathadi Kamgar),
R/o. Ram Mandir Road, Lonar Galli,
Ward No. 5,Shrirampur, Tq. Shrirampur,
District Ahmednagar. ...Applicant

versus

The State of Maharashtra
Police Inspector, Shrirampur City Police
Station, Shrirampur,
Tq. Shrirampur, Dist. Ahmednagar. ...Respondent

.....
Mr. N.B. Suryawanshi, Advocate for applicant
Mr. A.S. Shinde, A.P.P. for respondent
.....

CORAM : N.W. SAMBRE, J.

DATE : 17th FEBRUARY, 2016

ORAL ORDER :

The applicant is seeking regular bail in Crime No. I-353 of 2015 registered with Shrirampur City Police Station, District Ahmednagar for the offence punishable under Sections 302, 307, 324, 143, 147, 148, 149, 452, 354, 323, 504, 506, 427 of Indian Penal Code read with Sections 3/25 and 4/25 of Arms Act and under Section 37(1)(3) and 135 of Bombay Police Act.

2. The prosecution case against the present applicant is

that the applicant alongwith other accused have formed unlawful assembly and made murderous assault on Sunil Sonawane.

3. The applicant is not named as an accused but is referred to as other unknown person.

4. While trying to make out a case for grant of regular bail, Mr. Suryawanshi, learned Counsel for the applicant would urge that the investigation in the matter is at advanced stage, however, it is required to be noted that the applicant is not specifically named in the F.I.R. and no specific role is attributed to the applicant to the crime in question. Apart from above, he has invited attention of this Court to the fact of illegal detention of the applicant in 2012 by the police officials of from Shrirampur City Police Station. According to him, police personnel, who were held to be responsible for illegal detention are facing disciplinary proceedings and prosecution and are instrumental in false implication of the applicant. He has invited my attention to the enquiry report submitted by the Police Inspector depicting punishment on certain officers of police department in illegal detention of the applicant.

5. Mr. Suryawanshi, learned Counsel for the applicant would then urge that perusal of other investigation papers would

reflect that there is no specific role attributed to the applicant of active participation in crime in question and submits that the applicant be released on bail.

6. Learned A.P.P. opposed the application on the ground that the investigation in the matter is still going on. According to him, though no specific role is attributed to the applicant in the F.I.R. and applicant has not named in the F.I.R., however, there is material on record to depict involvement of applicant in the crime in question. According to him, past history of 2012 i.e. illegal detention of the applicant has hardly nothing to do with the present crime and prays for rejection of the application.

7. Perused the investigation papers with the assistance of learned A.P.P. The applicant is admittedly not named in the F.I.R. nor any specific serious role is attributed to the persons who are not named in the F.I.R.

8. Apart from above, the statement of individual witnesses recorded doe not depict any serious role attributed to the applicant herein.

9. It is required to be noted herein that though crime was

registered against the applicant for the incident for the offence punishable under Section 324 of Indian Penal Code, however same cannot be taken to be to the detrimental of applicant, who is already released on bail. In my opinion, once the applicant was subjected to P.C.R. and investigation, the applicant is entitled for regular bail. Hence, the following order:-

The applicant be released on bail, in connection with Crime No. I-353 of 2015 registered with Shrirampur City Police Station, District Ahmednagar for the offence punishable under Sections 302, 307, 324, 143, 147, 148, 149, 452, 354, 323, 504, 506, 427 of Indian Penal Code read with Sections 3/25 and 4/25 of Arms Act and under Section 37(1)(3) and 135 of Bombay Police Act, upon furnishing P.R. bond of Rs.15,000/- with one surety in the like amount. The applicant shall not enter the jurisdiction of concerned police station till filing of the charge sheet. The applicant is permitted to attend his duty with A.P.M.C. Shrirampur, however for all practical activities including his stay, he shall remain outside the jurisdiction of concerned police station till filing of the charge sheet.

10. The application stands allowed in above terms.

[N.W. SAMBRE, J.]