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

CRIMINAL APPLICATION NO. 719 OF 2016

Shivaji Kashinath Sakhare

..APPLICANT

VERSUS

The State of Maharashtra

..RESPONDENT

Mr A.D. Ostwal, Advocate for applicant;

Mr M.M. Nerlikar, Addl. Public Prosecutor for respondent

CORAM : N.W. SAMBRE, J.

DATE : 24th February, 2016

ORDER :

By the present application under section 438 of the Code of Criminal Procedure, the applicant, who is a Teacher by profession, is seeking pre-arrest bail, in connection with C.R. No.3 of 2016, registered with Naldurg police station, Talcriap309uka Tuljapur, District Osmanabad, for offences punishable under sections 143, 147, 148, 149, 307, 323, 504 and 506 of the Indian Penal Code, under section 4/25 of the Arms Act and under section 135 of the Bombay Police Act.

2. The case of the prosecution is that the applicant, a member of an unlawful assembly, has assaulted the members of the group of the complainant by various weapons. The role attributed to the applicant in the first information report and by the eye-witnesses appears to be use of stick for causing contusions.

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3. Learned Counsel appearing on behalf of the applicant, while trying to make out a case for grant of pre-arrest bail would urge that apart from sweeping allegations, custodial interrogation of the applicant is not necessary, particularly even if the role attributed against him is taken to be true for the sake of investigation.

4. Learned Addl. Public Prosecutor opposed the application on the ground that there are eye witnesses to the incident and also *prima facie* material on record to infer involvement of the applicant in the crime in question.

5. Perused the investigation papers. The role attributed to the applicant is that of use of the stick in commission of the crime. The corresponding medical evidence does not match with that of the allegations against the applicant.

6. The applicant being a Teacher, without criminal antecedents, will be very much available for investigation and the court procedure. In view thereof, the applicant is entitled for pre-arrest bail. I, therefore, pass the following order :-

In the event of arrest of the applicant, in connection with C.R. No.3 of 2016, registered with Naldurg police station, Taluka Tuljapur, District Osmanabad, for offences punishable under sections 143, 147, 148, 149,

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307, 323, 504 and 506 of the Indian Penal Code, under section 4/25 of the Arms Act and under section 135 of the Bombay Police Act, 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 27th and 28th February, 2016, between 10.00 a.m. and 12 noon and thereafter as and when called by the Investigating Officer.

Criminal Application stands allowed in above terms.

(N.W. SAMBRE, J.)

amj