

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

CRIMINAL APPLICATION NO. 696 OF 2016

Bhavadya @ Yogesh s/o Laxman Patil,
Age: 41 years, Occ: Labour,
R/o. Telephone Colony, Amalner,
Dist. Jalgaon.

...Applicant

versus

The State of Maharashtra
Through Police Inspector,
Amalner Police Station, Amalner,
Tq. Amalner, Dist. Jalgaon.

...Respondent

WITH

CRIMINAL APPLICATION NO. 725 OF 2016

Milind s/o Mohan Khairnar,
Age: 39 years, Occ: Labour,
R/o. Vidya Colony, Amalner,
Dist. Jalgaon.

...Applicant

versus

The State of Maharashtra
Through Police Inspector,
Amalner Police Station, Amalner,
Tq. Amalner, Dist. Jalgaon.

...Respondent

.....
Mr. B.R. Waramaa, Advocate for applicants
Mr. S.P. Sonpawale, A.P.P. for respondent
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CORAM : N.W. SAMBRE, J.

DATE : 16th FEBRUARY, 2016

ORAL ORDER :

The applicants are seeking regular bail in Crime No. 19
of 2016 registered with Amalner Police Station, District Jalgaon for

the offence punishable under Sections 307, 353, 143, 147, 148 of Indian Penal Code and under Section 37(1)(3) and 135 of Bombay Police Act, for the alleged offence committed on 17/01/2016.

2. The prosecution case against the applicants is that it is upon the complaint lodged by Prant Officer (post equivalent to Deputy Collector), offence in question came to be registered. The applicants visited the house of complainant and tried to assault him and abused him for not performing official duty.

3. While trying to make out the case for grant of bail, Mr. Waramaa, learned Counsel for the applicants would urge that provisions of Section 307 of Indian Penal Code are not attracted in the present case, as the complainant has not suffered any injury. According to him, after P.C.R., custodial interrogation of the applicants is no more required, as such, the applicants are entitled for bail.

4. The application is opposed by learned A.P.P. on the ground that the report of forensic science laboratory in the matter of ascertaining the fact as regards whether the applicants were under the influence of liquor is awaited and the charge sheet is not filed as the investigation is still in progress and as such, sought rejection of

the bail applications.

5. It is noted that though offence punishable under Section 307 of Indian Penal Code is registered, the complainant has not suffered any injury. The offence punishable under Section 353 of Indian Penal Code is punishable with imprisonment for two years.

6. There are no criminal antecedents against the present applicants. In this background, since custodial interrogation of the applicants is already over, in my opinion, the applicants are entitled to be released on bail. Hence, the following order:-

The applicants be released on bail in connection with Crime No. 19 of 2016 registered with Amalner Police Station, District Jalgaon for the offence punishable under Sections 307, 353, 143, 147, 148 of Indian Penal Code 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, by each of them. The applicants shall keep themselves away from the jurisdiction of concerned police station till filing of the charge sheet.

7. Both the applications stand allowed in above terms.

[N.W. SAMBRE, J.]