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

**CRIMINAL APPLICATION NO. 756 OF 2016**

1. Dnyaneshwar s/o Shyamji Bramanjai,
2. Ashok s/o Dhondiba Wagh,
3. Shaikh Yousufoddin s/o Khajamoinoddin,
4. Kayum s/o Rajjab Shaikh,
5. Kadu Bapu Shaikh ..APPLICANTS

VERSUS

The State of Maharashtra ..RESPONDENT

Mr Arun S. Shejwal, Advocate for applicants;  
Mr S.P. Deshmukh, Addl. Public Prosecutor for respondent

**CORAM : N.W. SAMBRE, J.**

**DATE : 18th February, 2016**

**ORDER :**

By the present application under section 438 of the Code of Criminal Procedure, the applicants seeks their release on bail, in the event of arrest, in connection with C.R. No.I-224 of 2015, registered with police station, Bidkin, Aurangabad, for offences punishable under sections 307, 341, 323, 143, 147, 148, 149 and 504 of the Indian Penal Code.

2. The complainant Ajay Pande, representative of the employer, lodged a complaint against the applicants that they have assaulted him on the ground that he and the management has not given effect to the orders

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of the Court, in relation to payment of their dues on account of hike in wages.

3. Learned Counsel appearing on behalf of the applicants, while trying to make out a case for grant of pre-arrest bail would urge that there is a counter first information report registered against the complainant vide C.R. No.I-223 of 2015. It is claimed by the learned Counsel appearing on behalf of the applicants that C.R. No.I-223 of 2015 was registered against the complainant herein for offences punishable under sections 143, 324, 323, 506, 504 read with section 34 of the Indian Penal Code and under section 3 (1) (x) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act. He further pointed out that the complainant herein has been released by this Court on pre-arrest bail, by order dated 19<sup>th</sup> January, 2016. He would then invite attention of this Court to the nature of injuries suffered by the complainant and submit that the accused, namely, Gajanan Khandare, to whom major role is attributed in commission of the crime in question was arrested and released on regular bail. According to him, custodial interrogation of the applicants is not necessary.

4. Learned Addl. Public Prosecutor, based on the investigation papers, particularly the medical papers, opposed the application stating that custodial interrogation of the applicants is necessary as grievous injury is caused by the present applicants to the complainant herein, who happens to be the representative of the management.

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5. Perused the investigation papers.
6. It is not in dispute that there is a dispute between the applicants and the management in relation to payment of dues on account of hike in wages.
7. It appears that the scuffle ensued between the complainant and the applicants, resulting into registration of two crimes, i.e. C.R. No.I-223 of 2015 against the representative of the management, namely, Ajay Pande and C.R. No.I-224 of 2015 against the applicants herein at the behest of Ajay Pande.
8. The attributions against the applicants are that they have assaulted the complainant with fist blows.
9. Having regard to the nature of allegations against the applicants and the fact that there are counter offences registered and the main accused Gajanan Khandare is already released on regular bail, in my opinion, it will be appropriate to order release of the present applicants on pre-arrest bail. I, therefore, pass the following order :-

In the event of arrest of the applicants, in connection with C.R. No.I-224 of 2015, registered with police station, Bidkin, Aurangabad, for offences punishable under sections 307, 341, 323, 143, 147, 148, 149 and 504 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.

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The applicants shall attend the concerned police station initially on 26<sup>th</sup> and 27<sup>th</sup> 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.)**

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