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

CRIMINAL APPLICATION NO.788 OF 2016

1. Shubham s/o Ashok Nagre,
 2. Rushikesh @ Om s/o Vilas Jadhav ..APPLICANTS
- VERSUS
- The State of Maharashtra ..RESPONDENT

Mr Zia-UI-Mustafa, Advocate for applicants;
Mr A.S. Shinde, Addl. Public Prosecutor for respondent

CORAM : N.W. SAMBRE, J.

DATE : 29th February, 2016

ORDER :

By the present application under section 438 of the Code of Criminal Procedure, the applicants seek their release on pre-arrest bail, in connection with C.R. No.I-221 of 2015, registered with Kannad police station, for offences punishable under sections 307, 143, 147, 148, 109, 324, 323, 295 of the Indian Penal Code; under section 3 (1) (x) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act and under section 135 of the Bombay Police Act.

2. Apart from claiming parity, learned Counsel appearing on behalf of the applicants would urge that there is no specific serious role attributed to the applicants in commission of the crime in question, in order to warrant their custodial interrogation.

(2)

3. Learned Counsel then invited my attention to the orders passed by this Court and the learned Court below, granting pre-arrest bail to similarly placed accused, particularly vide order dated 22nd January, 2016, passed in Criminal Application Nos.6296 of 2015 and 141 of 2016.

4. Learned Addl. Public Prosecutor opposed the application on the ground that bar under section 18 of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act and under section 135 of the Bombay Police Act would attract in the present matter. He would then urge that perusal of the investigation papers depicts that there are two eye-witnesses, who have attributed specific role to the applicants. The applicant no.1 Shubham is alleged to have used a stick, whereas applicant no.2 Rushikesh @ Om has used piece of brick in the crime in question.

5. With the assistance, I have perused the investigation papers. It is required to be noted that the complainant has suffered a simple injury, which is in the form of blunt trauma and contusion.

6. So far as the allegation in relation to caste based insulting attributions is concerned, perusal of the first information report depicts that an omnibus statement is made against all the accused persons without attributing any specific role, but for one Yamaji.

(3)

7. Having regard to the nature of injury, the role attributed and the statements of the eye-witnesses, in my opinion, it will be appropriate to grant pre-arrest bail to the applicants. I, therefore, pass following order :-

In the event of arrest of the applicants, in connection with C.R. No.I-221 of 2015, registered with Kannad police station, for offences punishable under sections 307, 143, 147, 148, 109, 324, 323, 295 of the Indian Penal Code; under section 3 (1) (x) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act and under section 135 of the Bombay Police Act, they be released on bail, on each of them furnishing P.R. Bond of Rs.15,000/- with one surety in the like amount.

The applicants shall attend the concerned police station on 6th March and 7th March, 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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