

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

CRIMINAL APPLICATION NO. 891 OF 2016

1. Pushpa d/o Shivaji Khetre,
Age: 36 years, Occ: Household,
R/o. Sultanpur, Tq. Georai,
Dist. Beed.
 2. Vasant s/o Laxman Khetre,
Age: 59 years, Occ: Household,
R/o. Sultanpur, Tq. Georai,
Dist. Beed.
 3. Dnyaneshwar s/o Baliram Khetre,
Age: 35 years, Occ: Agri.,
R/o. Sultanpur, Tq. Georai,
Dist. Beed.
- ...Applicants

versus

The State of Maharashtra
Through Police Station Officer,
Talwada Police Station,
Tq. Georai, Dist. Beed.

...Respondent

WITH
CRIMINAL APPLICATION NO. 893 OF 2016

1. Sachin s/o Shrimant Unavane,
Age: 24 years, Occ: Agri.,
R/o. Sultanpur, Tq. Georai,
Dist. Beed.
 2. Ashok s/o Karbhari Unavane,
Age: 25 years, Occ: Household,
R/o. Sultanpur, Tq. Georai,
Dist. Beed.
- ...Applicants

versus

The State of Maharashtra
Through Police Station Officer,
Talwada Police Station,
Tq. Georai, Dist. Beed.

...Respondent

WITH

**CRIMINAL APPLICATION NO. 1158 OF 2016
IN
CRIMINAL APPLICATION NO. 893 OF 2016**

Laxman s/o Atchyutrao Khetre,
Age: 44 years, Occ: Agri.,
R/o. Sultanpur, Tq. Georai,
Dist. Beed & ors.

...Applicants

versus

The State of Maharashtra & ors.

...Respondents

**WITH
CRIMINAL APPLICATION NO. 1160 OF 2016
IN
CRIMINAL APPLICATION NO. 891 OF 2016**

Laxman s/o Atchyutrao Khetre,
Age: 44 years, Occ: Agri.,
R/o. Sultanpur, Tq. Georai,
Dist. Beed & ors.

...Applicants

versus

The State of Maharashtra & ors.

...Respondents

.....
Mr. S.B. Talekar, Advocate for applicants in Criminal
Application Nos. 891/2016 and 893/2016
Mr. M.M. Nerlikar, A.P.P. for respondent/State
Mr. H.V. Tungar, Advocate to assist A.P.P.
.....

CORAM : N.W. SAMBRE, J.

DATE : 29th FEBRUARY, 2016

ORAL ORDER :

For the reasons stated in Criminal Application Nos. 1158
of 2016 and 1160 of 2016 seeking permission to assist learned
Additional Prosecutor, same stand allowed.

2. By way of Criminal Application Nos. 891 of 2016 and 893 of 2016, the applicants are seeking regular bail in Crime No. 103 of 2015 registered with Talwad Police Station, Taluka Georai, District Beed for the offence punishable under Sections 302, 307, 336, 143, 148, 149, 504, 506, 120(B) of Indian Penal Code.

3. The prosecution case as against the applicants is that the applicants formed unlawful assembly and with common intention have assaulted the complainant and Yogesh and Mahadeo. The said incident has resulted into death of Yogesh and Mahadeo and the complainant suffered serious injuries.

4. After the incident in question, the applicants were arrested on 9th/10th September, 2015.

5. The role attributed to the present applicants in the first information report is that of applicants' active participation in the crime in question by pelting stones and assaulting the complainant and other two persons by fist and kick blows.

6. In the above background, while trying to make out case for grant of bail, Mr. Talekar, learned Counsel for the applicants would urge that the investigation in the matter is complete and charge sheet

is already filed. According to him, in view of above, further detention of the applicants is not necessary. According to him, there was no intention of the applicants to kill Yogesh and Mahadeo. He would then urge that looking to the allegations against the applicants in the first information report, they be released on bail.

7. Learned A.P.P., who is assisted by Mr. Tungar, learned Counsel for the complainant.

8. According to them, the applicants are not entitled for bail in view of Section 149 of Indian Penal Code is invoked in the matter. Learned A.P.P. would then urge that there are eye witnesses to the incident in question and the applicants are specifically named as accused in the crime with particular role.

9. Perused the contents of the first information report, which depicts the role attributed to the applicants' participation in the crime in question. The applicants have pelted stones and use of fist and kick blows to the deceased persons and the complainant. No specific attributions were made against each of the accused about use of weapon, much less of weapon like sticks etc. Perusal of post mortem report of deceased persons depicts that but for incised wound, there are no other injuries suffered by victim or complainant

so as to infer that the applicants actively participated in the crime by pelting stones or use of fist and kick blows.

10. The investigation in the matter is complete and charge sheet is already filed. There is no criminal history against the present applicants. Looking to the age of the applicants, in my opinion, in the interest of justice, it will be appropriate to order the release of the applicants on bail. Hence, the following order:-

The applicants be released on bail in connection with Crime No. 103 of 2015 registered with Talwada Police Station, Taluka Georai, District Beed for the offence punishable under Sections 302, 307, 336, 143, 148, 149, 504, 506, 120(B) of Indian Penal Code, upon executing P.R. bond of Rs.15,000/- with one surety in the like amount, by each of them. Till conclusion of the trial, the applicants shall not enter the village, as it is brought to my notice that, already there are three non-cognizable cases are registered based in the background of crime in question.

9. Criminal Application Nos. 891/2016 and 893/2016 stand allowed in above terms.

[N.W. SAMBRE, J.]