

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

CRIMINAL APPLICATION NO.895 OF 2016

1. Prakash Mangu Chavan,
Age Major, Occu. Agri.,
R/o Garada Kannad,
Taluka Kannad,
District Aurangabad
 2. Dilip s/o Hanshraj Aade
Age Major, Occu. Agri.,
R/o Garada Kannad,
Taluka Kannad,
District Aurangabad
 3. Shriram Nemichand Chavan,
Age Major, Occu. Agri.,
R/o Garada Kannad,
Taluka Kannad,
District Aurangabad
- .. Applicants

Versus

- . The State of Maharashtra,
Through The Police Inspector,
Kannad Police Station,
District Aurangabad
- .. Respondent

Mr V.D. Sapkal, Advocate for applicants
Mr A.S. Shinde, A.P.P. for respondent
Mr S.W. Munde, Advocate for complainant

CORAM : N.W. SAMBRE, J.

DATE : 25th February 2016

PER COURT

Heard.

2. The applicants are seeking regular bail in Crime No.15 of 2016, registered at Kannad Police Station, District Aurangabad, for the offences punishable under Sections 307, 504, 143, 147, 148, 149, 324 and 323 of Indian Penal Code.

3. The prosecution story against the applicants is, the applicants formed a group and assaulted the complainant Sabusing Parasram Rathod and his son resulting into registration of aforesaid crime. There is history to the present proceedings. Both the groups i.e. group of the complainant and present applicants are at loggerhead, on the issue of encroachment on the government land.

4. While inviting my attention to the contents of F.I.R. in Crime No.16 of 2016, punishable under Sections 324, 323, 504, 506 read with sec.34 of Indian Penal Code, learned Counsel for the applicants submits that the said crime was registered against the complainant at the behest of applicant Prakash. He would then urge that in view of counter complaints of same date i.e. 21st January 2016 by both the groups against each other, false implication cannot be ruled out. He would then urge that the applicants were subjected to custodial interrogation and are already in M.C.R. Their further detention, as such is not necessary.

5. Learned A.P.P. opposed the application, who is assisted by learned Counsel for the complainant Mr S.W.Munde that the applicants have criminal history and if they are released, they may tamper with the evidence or may influence the witnesses.

6. I have perused the investigation papers. The complainant Sabusing Rathod and his son have suffered simple injuries. The weapon alleged to have been used is stick, however, use of stick is not attributed to the applicants.

7. Having regard to the fact that there are counter complaints and custodial interrogation of the applicants is already over, in my opinion, it will be appropriate to release the applicants on bail.

8. As such, Criminal Application stands allowed. The applicants be released on bail in Crime No.15 of 2016, registered at Kannad Police Station, District Aurangabad, for the offences punishable under Sections 307, 504, 143, 147, 148, 149, 324 and 323 of Indian Penal Code, upon furnishing P.R. Bond of Rs.15,000/- with one surety in the like amount, by each of them.

9. The applicants shall keep themselves away from the jurisdiction of Kannad Police Station, till filing of charge-sheet.

10. If the charge-sheet is not filed within four weeks from today, applicants will be at liberty to apply for modification of this order.

(N.W. SAMBRE, J.)

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