

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

CRIMINAL APPLICATION NO.951 OF 2016

Gajanan s/o Manik Mande,
Age 28 years, Occu.Agri.,
R/o Manoli, Taluka Manwath,
District Parbhani

..Applicant

Versus

The State of Maharashtra,
through the Police Station,
Manwath

..Respondent

Mr A.S. Lomte, Advocate for applicant
Mr S.Y. Mahajan, Addl.Public Prosecutor for respondent

CORAM : N.W. SAMBRE, J.

DATE : 18th February 2016

PER COURT

Heard.

2. The applicant is seeking pre-arrest bail claiming parity with Kisan Shankar Puri, who is released by this Court by an order dated 1st February 2016 passed in Criminal Application No.503 of 2016.

3. The facts, as are necessary for deciding the present application are as under:

4. The present applicant was named as one of the accused in Crime No.172 of 2015, registered at Police Station, Manwat, District Parbhani, for the offences punishable under Sections 302 and 120-B of the Indian Penal Code. The role attributed to the applicant, in the light of the prosecution story is that the applicant, in connivance of other accused persons has administered poison to the brother of the complainant, Datta.

4. While trying to make out the case for grant of pre-arrest bail, learned Counsel for the applicant would urge that the story as narrated in the F.I.R. is improbable, as the applicant was not present on the spot. He would then urge that he is relying upon the observations made by this Court in the order dated 1st February 2016, by which the co-accused Kisan Puri was ordered to be released on pre-arrest bail.

5. Learned A.P.P. opposed the application and submits that the custodial interrogation of the applicant is necessary, particularly in the background of allegations made in the F.I.R.

6. Upon perusal of the investigation papers, it is noted that the eye witness to the incident has not attributed any specific role to the applicant, rather the presence of the applicant itself is under doubt. Apart from above, learned Counsel for the applicant was right in claiming parity with Kisan Puri, who was released by this Court by order dated 1st February 2016 passed in Criminal Application No.503 of 2016.

7. In view thereof, in my opinion, it will be appropriate to grant pre-arrest bail to the applicant. Thus, the following order:

(I) In the event of arrest of the applicant, in connection with C.R.No.172 of 2015, registered at Police Station, Manwat, District Parbhani, for the offences punishable under Sections 302 and 120-B of the Indian Penal Code, he be released on bail, on furnishing P.R. Bond of Rs.15,000/- with one surety in the like amount.

(II) The applicant shall attend the concerned Police Station on 25th and 26th February 2016 between 10.00 a.m. and 12.00 noon and thereafter as and when called by the Investigating Officer.

(III) The applicant shall not enter village Kekar Jawala, Taluka Manwat, District Parbhani, till filing of the charge0-sheet.

8. Criminal Application stands allowed in above terms.

9. The observations made herein above are prima facie in nature.

(N.W. SAMBRE, J.)

vvr