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

CRIMINAL APPLICATION NO.1059 OF 2016

1. Manikrao s/o Namdevrao Bhondve,
2. Dattarao s/o Santukrao Bhondve ..APPLICANTS

VERSUS

The State of Maharashtra ..RESPONDENT

Mr S.J. Salunke, Advocate for applicants;
Mr A.S. Shinde, Addl. Public Prosecutor for respondent;
Mr Kiran D. Jadhav, Advocate to assist Addl. Public Prosecutor

CORAM : N.W. SAMBRE, J.

DATE : 1st March, 2016

ORDER :

By the present application under section 439 of the Code of Criminal Procedure, the applicants seek their release on bail, in connection with C.R. No.130 of 2015, registered with police station, Bori, Dist. Parbhani, for offences punishable under sections 307, 324, 143, 147, 148, 149 and 504 of the Indian Penal Code.

2. It is the prosecution story that the present applicants have assaulted the complainant and his cousin brothers by use of weapons like axe, stick, etc., resulting into causing grievous injuries.

3. So far as applicant no.1 Manikrao is concerned, he was arrested on 15th December, 2015, whereas applicant no.2 Dattarao was arrested on 5th

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December, 2015.

4. In the above background, while trying to make out a case for grant of bail, Mr Salunke, learned Counsel appearing on behalf of the applicants would strenuously urge that at the behest of one of the accused from the group of the present applicants, C.R. No.131 of 2015 came to be registered on 4th December, 2015, for offences punishable under sections 326, 324, 143, 147, 148, 149, 336, 504 and 506 of the Indian Penal Code against the complainant and members of his group.

5. According to the learned Counsel, the background for registration of the aforesaid offence was that, pursuant to the complaint lodged by the group of the complainant in the present case, an inquiry was ordered by the Tahsildar, in the matter of running of fair price shop. It is on account of said differences, the aforesaid offences came to be registered against both the parties. According to him, the applicants are behind bars since more than two months and their custodial interrogation is already over. He submits that the applicants, therefore, be ordered to be released on bail.

6. Learned Addl. Public Prosecutor submits that the application be rejected as there is strong *prima facie* evidence against the applicants in relation to their involvement, as specific role is attributed to them in commission of the crime. He would then urge that in the event of release of the applicants on bail, there is every likelihood of disturbance of law and order in the village. He has invited my attention to the investigation papers

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in order to support the allegations in the first information report with that of the medical evidence.

7. Learned Addl. Public Prosecutor was assisted by the learned Counsel for the complainant Mr Jadhav. While adopting the arguments advanced by the learned Addl. Public Prosecutor he submits that having regard to the nature of serious assault, the application be rejected.

8. Having perused the investigation papers and the contents of the first information report, it is noted that the fact about registration of counter first information reports against the complainant by the applicants and vice versa i.e. registration of C.R. No.131 of 2015 against the complainant and his group and C.R. No.130 of 2015 against the present applicants, is not in dispute.

9. So far as role attributed to the applicants is concerned, it is noted that after the applicants were subjected to custodial interrogation, their further detention, particularly having regard to the dates of their arrest, i.e. 5th and 10th December, 2015 respectively, in my opinion, does not call for further detention.

10. In the above background, in my opinion, the applicants are entitled for bail. I, therefore, pass following order :-

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The applicant be released on bail, in connection with C.R. No.130 of 2015, registered with police station, Bori, Dist. Parbhani, for offences punishable under sections 307, 324, 143, 147, 148, 149 and 504 of the Indian Penal Code, on furnishing P.R. Bond of Rs.15,000/- with one surety in the like amount.

Till filing of the charge-sheet, the applicants shall keep themselves away from the jurisdiction of the concerned police station.

Criminal Application stands allowed in above terms.

(N.W. SAMBRE, J.)

amj