

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

CRIMINAL APPLICATION NO.1062 OF 2016

1. Suman s/o Asu Gavit,
Age 28 years, Occu.Agri.,
R/o Jamtalav, Taluka Navapur,
District Nandurbar
 2. Raman s/o Asu Gavit,
Age 26 years, Occu. Agri.,
R/o Jamtalav, Taluka Navapur,
District Nandurbar
 3. Dhana s/o Rubji Gavit,
Age 45 years, Occu. Agri.,
R/o Jamtalav, Taluka Navapur,
District Nandurbar
- ..Applicants

Versus

- . The State of Maharashtra
- ..Respondent

Mr C.R. Deshpande, Advocate for applicants
Mr U.S. Mote, A.P.P. for respondent

CORAM : N.W. SAMBRE, J.

DATE : 3rd March 2016

PER COURT

Heard.

2. The applicants are seeking regular bail in Crime No.15 of 2016 registered at Navapur Police Station, District Nandurbar for the offences punishable under Sections 307, 353, 506 read with Sec.34 of Indian Penal Code.

3. The allegation against the applicants is that the Tahsildar lodged complaint against the applicants that while performing the official duty of controlling illegal excavation of sand, the applicants

made a murderous assault on the complainant, public servant by bringing their vehicle on the body of complainant.

4. While trying to make out the case for grant of bail, learned Counsel for the applicants would urge that the applicants were arrested on 31st January 2016 and the role attributed to the applicant No.1 is that of driver of the vehicle. He would submit that in the act as has been attributed to the applicants, nobody is injured and it was never intention of the applicant to commit the crime as alleged. There are no criminal antecedents. The applicant was subjected to police custody and but for vehicle, nothing is seized from the applicants.

5. Learned A.P.P. opposed the application on the ground that the offence is punishable with life imprisonment and the applicants have tried to murder the public servant.

6. Having perused the investigation papers, it is noticed that nobody is injured in the crime in question, but for the allegation against the applicants of trying to kill the complainant by driving the vehicle over him.

7. The applicant was already detained and subjected to custodial interrogation. The applicants are behind bars for last five weeks.

8. In this background, in my opinion, the further detention of the applicants is not necessary, as there are no criminal antecedents.

9. As such, Criminal Application stands allowed. The applicants be released on bail in Crime No.15 of 2016 registered at Navapur Police Station, District Nandurbar for the offences punishable under Sections 307, 353, 506 read with Sec.34 of Indian Penal Code, upon furnishing P.R. Bond of Rs.25,000/- with one surety in the like amount, by each of them.

10. The applicants shall remain outside the jurisdiction of Navapur Tahsil, till filing of charge-sheet.

(N.W. SAMBRE, J.)

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