

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO. 1199 OF 2016

1. Suraj s/o Kiran Bage,
Age : 24 years, Occu. Education
2. Sagar s/o Kiran Bage,
Age : 22 years, Occu. Education

Both R/o Sai Shradha Nagar,
Ghulewadi, Tq. Sangamner,
District Ahmednagar

APPLICANTS

VERSUS

1. The State of Maharashtra,
through Police Inspector,
Sangamner City Police Station,
Sangamner, Tq. Sangamner,
District Ahmednagar
2. The Superintendent of Police,
Ahmednagar

RESPONDENTS

Mr. Satyajeet S. Dixit, Advocate for the applicants
Mr. S.Y. Mahajan, A.P.P. for the respondent-State

CORAM : M.T. JOSHI, J.

DATE : 08/03/2016

ORAL ORDER :

1. Heard both sides.
2. The present applicants, who are apprehending
their arrest at the hands of Sangamner City Police

Station, District Ahmednagar, in Crime No. 153/2015, registered for the offences punishable under section 307, 323, 142, 147, 148, 149 of the Indian Penal Code and under section 37 (1) (3), 135 of the Bombay Police Act, are praying for their release on bail in the event of their arrest.

3. The complaint filed by the brother of the victim-injured on 5th July, 2015 would show that the victim had made a statement to him that the named assailant had assaulted him on 4th July, 2015 at 10.00 p.m., on the basis of which the crime was registered.

4. Learned counsel for the applicants points that the names of the present applicants do not find place in the said FIR.

5. Learned A.P.P. submitted that in fact, the victim was unconscious for several days and ultimately, his statement came to be recorded on 3rd July, 2015 which would show that the present applicants had caused the assault on the face of the victim with wooden club. He took me through the certificates issued by the private hospitals which would show that the victim has suffered

comminuted displaced fracture of zygomatic arch and temporal bone and therefore, the victim was not able to make statement atleast for 8 to 15 days. In the circumstances, he submitted that the anticipatory bail may not be granted to the present applicants.

6. The record would show that the persons who are named in the FIR are already released on anticipatory bail by the another Hon'ble Single Judge of this Court vide order dated 29th September, 2015 passed in Criminal Applications No. 4743/2015, 4744/2015 and 4091/2015.

7. Upon hearing both sides and finding that while the names of the present applicants do not find place in the FIR, even the statements of the alleged eye witnesses are recorded after about fifteen days of the incident, like Asif Tamboli after two weeks of the incident and considering the number of injuries found on the person of the victim and the naming numerous persons, having caused the assault, in my view, the present applicants deserve to be released on bail on the same terms and conditions as are imposed by this court vide order dated 29th September, 2015 as regards the other applicants/accused. In the circumstances, the

following order.

8. In the event of arrest of the present applicants, in connection with C.R. No. I-153/2015, registered with Sangamner City Police Station, Sangamner, for the offences punishable under section 307, 323, 143, 147, 148, 149 of the Indian Penal Code and section 37 (1) (3), 135 of the Bombay Police Act, they be released on bail, on each of them furnishing P.R. Bond in the sum of Rs. 10,000/- (rupees ten thousand) with one surety each in the like amount.

. The present application is accordingly allowed and disposed of.

[M.T. JOSHI]
JUDGE

npj/criapln1199-2016