

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO. 1220 OF 2016

- 1] Sanjay S/o Vitthalrao Patil,
 Age : 54 years, Occu : Agri.,
 R/o : Khamaswadi, Tq. : Kallamb,
 Dist. : Osmanabad
 - 2] Anand S/o Nandlal Tapdiya,
 Age : 42 years, Occu.: Agri.,
 R/o : Khamaswadi, Tq. : Kallamb,
 Dist. : Osmanabad
 - 3] Limbraj S/o Annasaheb Shelke,
 Age : 34 years, Occu.: Agri.,
 R/o : Khamaswadi, Tq. : Kallamb,
 Dist : Osmanabad
 - 4] Kiran S/o Bapurao Patil,
 Age : 32 years, Occu : Agri.,
 R/o : Khamaswadi, Tq. : Kallamb,
 Dist. : Osmanabad
- .. Applicants

Vs.

The State of Maharashtra
 Through Police Station Shiradhon,
 Tq. : Kallamb, Dist. Osmanabad

.. Respondent

Mr. Sambhaji S. Tope, Advocate for the applicants
 Mr. S.Y. Mahajan, A.P.P. for the respondent-State

CORAM : M.T. JOSHI, J.
DATE : 11/03/2016

ORAL ORDER :

Heard both sides.

2. The present applicants, who are apprehending

arrest at the hands of Shiradhon Police Station, Tq. Kallamb, Dist. Osmanabad in crime no. 15 of 2016 for the offences punishable under section 147, 148, 149, 307, 504, 506 of the Indian Penal Code, are praying for their release on bail, in the event of their arrest.

3. Hearing from both the sides as well as the record would show that there were counter complaints regarding the incident. So far as the present applicants/accused are concerned, it is alleged that in the incident, the present applicant no.1 – Sanjay has compressed the neck of the victim while applicant no.3 – Limbraj has compressed the private part of the victim, while the applicant nos.2 and 4 had assaulted the victim with fists and kicks and some other accused had assaulted the victim with razor and rod.

4. Perusal of the injury certificate would show that there are no corresponding injuries of the assault, which is attributed to the present applicants.

5. Considering the fact that admittedly there is a political enmity between the two groups, in my view, the custodial interrogation of the present applicants

is not required. Hence, the following order:-

6. Application is allowed.

7. The interim protection granted to the applicants vide order dated 26/02/2016 passed by this Court is hereby made absolute on the same terms and conditions.

8. The applicants shall attend the Investigating Officer as and when reasonable called by him for the purposes of the investigation/interrogation.

9. Application is accordingly disposed of.

[M.T. JOSHI]
JUDGE

arp/