

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO. 1293 OF 2016

1. Anil s/o Shankar Shelke,
Age : 38 years, Occu. Agri.,
R/o Maldabhadi, Tq. Jamner,
District Jalgaon
2. Gajanan s/o Damu Malkhede,
Age : 32 years, Occu. Painter,
presently residing at Walivali,
Badlapur (W), Mumbai

APPLICANTS

VERSUS

The State of Maharashtra
through Police Station Officer,
Jamner Police Station, Jamner,
Tq. Jamner, District Jalgaon

RESPONDENT

Mr. Nitin B. Suryawanshi, Advocate for the applicants
Mr. U.S. Mote, A.P.P. for the respondent-State

CORAM : M.T. JOSHI, J.

DATE : 09/03/2016

ORAL ORDER :

1. Heard both sides.
2. The present applicants, who are arrested by
Jamner Police Station, District Jalgaon in Crime No.
180/2015, registered for the offences punishable under
section 302, 323, 504, 109 read with section 34, 143,

147, 148 and 149 of the Indian Penal Code, are praying for their release on bail.

3. The FIR filed by the brother of the deceased would show that the said brother had witnessed the incident of assault on his brother. According to him, while the named accused had assaulted the deceased on 4th November, 2015 at about 5.30 p.m. to 6.00 p.m. in his presence, after the assault, two of the accused, namely, Shantaram Sapkale and Ravi Sapkale fled away by two motorcycles which had come from Jamner city side.

. Since during the investigation, it was revealed that the persons who had come on the motorcycles were the present applicants – Anil and Gajanan, they are arrayed as accused.

4. Mr. N.B. Suryawanshi, learned counsel for the applicants submits that the applicants are behind the bars since 5th November, 2015. He further submitted that the statements of the witnesses are contradictory as to from which direction the motorcycles came and there are even exaggerations that the present applicants have instigated the commission of the crime as against the

contents of the FIR. He submitted that the investigation is practically completed and considering the role attributed to the present applicants, they be released on bail.

5. Learned A.P.P. opposed the application. He submitted that the present applicants have facilitated the running away of the culprits from the spot.

6. Considering all the material on record, the alleged role attributed to the present applicants and that they are behind the bars since November, 2015 and further that the investigation is practically over, in my view, the applicants can be released on bail, on certain conditions. Hence, the following order.

7. Both the applicants be released on bail in Crime No. 180/2015, registered with Jamner Police Station, District Jalgaon, for the offences punishable under section 302, 323, 504, 109 read with section 34, 143, 147, 148 and 149 of the Indian Penal Code, on each of them executing P.R. bond in the sum of Rs. 20,000/- (rupees twenty thousand each) and also upon furnishing surety each in the like amount.

. The applicants shall not in any way attempt to influence the prosecution witnesses in any manner.

. The present application is accordingly allowed and disposed of.

[M.T. JOSHI]
JUDGE

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