

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO. 1870 OF 2016

Sushil S/o Vasantryao Deshmukh
 Age : 41 years, Occu. : Architect/Agri.,
 R/o : Plot No. 12, Sai Vrundawan Colony,
 Itkheda, Paithan Road,
 Aurangabad

.. Applicant
 (Orig. Accused)

Vs.

The State of Maharashtra,
 Through Police Station Officer,
 Daulatabad Police Station,
 Dist. Aurangabad

.. Respondent

AND

CRIMINAL APPLICATION NO. 1852 OF 2016

Nikhil S/o Vasantryao Deshmukh
 Age : 33 years, Occu.: Agri.,
 R/o : Plot No. 12, Sai Vranda
 Dist. Aurangabad

.. Applicant
 (Orig. Accused)

Vs.

The State of Maharashtra
 Through Police Station Officer,
 Daulatabad Police Station,
 Dist. Aurangabad

.. Respondent

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Mr. R.N. Dhorde, Sr. Advocate h/f Mr. Anirudha H. Mahajan,
 Advocate for the applicant (1870/2016)
 Mr. N.V. Gaware, Advocate for the applicant (1852/2016)
 Mr. A.R. Borulkar, APP for the respondent-State in both
 matters

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CORAM : M.T. JOSHI, J.

DATED : 13/04/2016

ORAL ORDER :

Heard both sides.

2. The present applicants, who are arrested by Daulatabad Police Station, Dist. Aurangabad in Crime no. I-22 of 2016 for the offences punishable under section 307, 504 r/w. 34 of the Indian Penal Code and under section 30 of the Indian Arms Act, are praying for their release on bail.

3. Both the applicants were arrested on 18/03/2016.

4. The complaint would show that over a dispute of boundaries in a field, the present applicant - Sushil had on 18/3/2016, in the noon, fired one round from his revolver towards the complainant. The bullet missed and struck to a cement pole. Applicant - Nikhil is alleged to have instigated applicant - Sushil in firing. Therefore, the offence came to be registered.

5. Learned counsels submit that in-fact, when the present applicants went to the Police Station to lodge a complaint against the said complainant, who is in-fact a Police Patil, they were arrested by the Police.

6. Learned A.P.P. opposed the application. He submits that serious allegations are made against the applicants. Upon query, learned A.P.P. submitted that no empty or no spent bullet is recovered from the spot. Further, in the panchanama of the spot of occurrence, there was no mention of the pole.

7. Considering all the facts on record and the fact that investigation is complete, in my view, the present applicants can be released on bail, on certain conditions.

8. Hence, the following order:-

I) Both the Applications are allowed.

II) Both the applicants be released on bail in

Crime no.I-22 of 2016 registered with Daulatabad Police Station, Dist. Aurangabad for the offences punishable under section 307, 504 r/w. 34 of the Indian Penal Code and under section 30 of the Indian Arms Act, upon their executing P.R. bonds in the sum of Rs.15,000/- (Rs. Fifteen Thousand) each and also upon furnishing surety each in the like amount.

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

9. Both Applications stand disposed of accordingly.

[M.T. JOSHI]
JUDGE

arp/-