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

CRIMINAL APPLICATION NO.2550 OF 2016

Kailash s/o Baburao Sonawane ..APPLICANT

VERSUS

The State of Maharashtra ..RESPONDENT

Mr K.D. Khade, Advocate for applicant;
Mr S.Y. Mahajan, Addl. Public Prosecutor for respondent

CORAM : N.W. SAMBRE, J.

DATE : 15th June, 2016

ORAL ORDER :

By the present application under section 438 of the Code of Criminal Procedure, the applicant seeks pre-arrest bail, in connection with C.R. No.173 of 2016, registered with Shivajinagar police station, Beed, for offences punishable under sections 307, 323, 504, 506 read with section 34 of the Indian Penal Code.

2. The prosecution case is that the complainant was assaulted by the applicant and main accused Sandip, who is closely related to the complainant, on the ground that the applicant has refused to transfer agricultural land in favour of Sandip.

3. While trying to make out a case for grant of pre-arrest bail, learned Counsel appearing on behalf of the applicant submits that the applicant is

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falsely implicated in the crime. According to him, the complainant has preferred a complaint with the Deputy Collector, in the matter of operation of fair price shop by the applicant. Apart therefrom, he submits that that the complainant has suffered simple injuries and the role attributed to the applicant in commission of the crime is required to be appreciated.

4. Learned Addl. Public Prosecutor submits that perusal of the first information report depicts that specific role is attributed to the applicant and there are corresponding injuries in the injury certificate. According to him, non-cognizable offence is registered as the applicant has tried to pressurize the complainant to withdraw the present complaint.

5. Having bestowed my thoughts to the submissions made, it is required to be noted that the accomplice of the present applicant, namely, Sandip, as is stated in the first information report itself, has attributed that the applicant has assaulted the complainant with fist blows. The statements of the said witness and the complainant, to the extent of use of the weapon, appear to be contradictory to each other. appears to be contradictory. Apart therefrom, it is noted that the complainant has suffered simple injuries and main role is attributed to accused Sandip.

6. In the above background, in my opinion, it will be appropriate to grant pre-arrest bail to the applicant, I, therefore, pass the following order :-

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In the event of arrest of the applicant, in connection with C.R. No.173 of 2016, registered with Shivajinagar police station, Beed, for offences punishable under sections 307, 323, 504, 506 read with section 34 of the Indian Penal Code, he be released on bail, on furnishing P.R. Bond of Rs.15,000/- with one surety in the like amount.

The applicant shall not enter the jurisdiction of the concerned police station till filing of the charge-sheet.

The applicant shall not tamper with the prosecution evidence.

Criminal Application stands allowed in above terms.

(N.W. SAMBRE, J.)

amj