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

CRIMINAL APPLICATION NO. 2577 OF 2016

1. Parmeshwar Bhausahab Gite,
2. Asaram Pandharinath Gite,
3. Nivant @ Patil Pralhad Gite ..APPLICANTS

VERSUS

The State of Maharashtra ..RESPONDENT

Mr S. S. Jadhavar, Advocate for applicants;
Mr S. D. Ghayal, Addl. Public Prosecutor for respondent

CORAM : N.W. SAMBRE, J.

DATE : 8th June, 2016

ORDER :

Additional Public Prosecutor appears for respondent. Service complete.

2. The applicants are seeking their release on regular bail, in connection with Crime No. 44 of 2016, registered at Pathardi Police Station, Dist. Ahmednagar, for the offences punishable under Sections 307, 323, 341, 504, 506, 143, 147, 148, 149 of the Indian Penal Code for the alleged incident dated 27th January, 2016, for which first information report has lodged on 29th January, 2016.

3. Apart from unexplained delay, Mr Jadhavar, learned Counsel appearing on behalf of the applicants submits that there are no criminal

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antecedents has against the applicants and the medical certificate speaks of use of hard and blunt object, whereas allegations in the first information report is that of use of axe. He then submits that the investigation in the matter is already completed and the chargesheet is filed and further detention of the applicants is not necessary in crime in question. According to him, the other co-accused in the crime in question are already released on bail.

4. Learned Additional Public Prosecutor opposed the application on the ground that there are eye witnesses to the incident in question and specific role is attributed to each of the applicants in crime in question.

5. Having bestowed my thoughts to the submissions made, it is required to be noted that there is veracity in medical evidence about the injury suffered by the complainant and his brother in the alleged crime. Apart from above, fact remains that there are no criminal antecedents against the applicants and there appears political rivalry between the parties. The false implication of the applicants cannot be ruled out. The complainant named in all 14 accused in crime in question including that of present applicants. Rest of the accused are already released on bail.

6. As the investigation in the matter is already completed, no fruitful purpose will be served by rejecting the bail of the applicants, as they are very much available for investigation purpose.

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7. In the above background, in my opinion, it will be appropriate to order the release of the applicants on bail. Hence, I pass following order :-

The applicants be released on bail, in connection with Crime No. 44 of 2016, registered at Pathardi Police Station, Dist. Ahmednagar, for the offences punishable under Sections 307, 323, 341, 504, 506, 143, 147, 148, 149 of the Indian Penal Code, upon furnishing P.R. Bond of Rs 15,000/- with one surety in the like amount by each of them.

They shall not enter the concerned village for six months from the date of their release.

The applicants shall not tamper with the prosecution evidence.

Criminal Application stands allowed in above terms.

(N.W. SAMBRE, J.)

sjk