

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO. 2792 OF 2016

- 1] Bhausahab S/o. Dhondiba Ghuge,
Age : 62 years, Occu.: Agril.,
- 2] Pradip S/o Bhausahab Ghuge,
Age : 32 years, Occu.: Agril.,
- 3] Pravin S/o Bhausahab Ghuge,
Age : 27 years, Occu.: Agril.,

All R/o. Malunje, Tq. Sangamner,
Dist. Ahmednagar

.. Applicants
(Orig. Accused)

Vs.

The State of Maharashtra,
Through the Police Inspector,
Taluka Police Station, Sangamner,
Tq. Sangamner, District - Ahmednagar .. Respondent

AND

CRIMINAL APPLICATION NO. 2793 OF 2016

- 1] Bhausahab S/o. Dhondiba Ghuge,
Age : 62 years, Occu.: Agril.,
- 2] Pradip S/o Bhausahab Ghuge,
Age : 32 years, Occu.: Agril.,
- 3] Pravin S/o Bhausahab Ghuge,
Age : 27 years, Occu.: Agril.,

All R/o. Malunje, Tq. Sangamner,
Dist. Ahmednagar

.. Applicants
(Orig. Accused)

Vs.

The State of Maharashtra,
Through the Police Inspector,
Taluka Police Station, Sangamner,
Tq. Sangamner, District - Ahmednagar .. Respondent

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Mr. K.N. Shermale, Advocate for the applicants in both
applications

Mr. S.Y. Mahajan, APP for the respondent-State

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CORAM : N.W. SAMBRE, J.

DATED : 07/06/2016

ORAL ORDER :

Heard both sides.

2. The applicants are seeking pre-arrest bail in Crime no. I-58 of 2016 and I-60 of 2016, both registered at Sangamner Taluka Police Station, Tq. Sangamner, Dist. Ahmednagar for the offences punishable under section 326, 324, 323, 504 and 506 of the Indian Penal Code and under section 354, 323, 504, 506 r/w. 34 of the Indian Penal Code, respectively.

3. Crime No. I-58 of 2016 is registered on 27/4/2016 for the offences punishable under section

326, 324, 323, 504, 506 of the Indian Penal Code for an alleged incident dated 27/4/2016. Complainant Shivaji S/o Nana Dongare alleged that the present applicants have assaulted him with stick and fist blows. It is claimed that the complainant has suffered grievous injuries.

4. So far as crime no. I-60 of 2016 is concerned, same is registered on 28/4/2016 for the offences punishable under section 354, 323, 504, 506 r/w.34 of the Indian Penal Code for an alleged incident dated 28/4/2016. Complainant – Meerabai wife of the complainant (Shivaji Dongare) in earlier crime i.e. crime no. I-58 of 2016, has alleged that the present applicants have committed offence punishable under section 354 of the Indian Penal Code and have threatened the complainant of dire consequences.

5. While trying to make out a case for grant of bail in both the crimes, learned counsel for the

applicants has invited my attention to the injury certificates of applicant no.1 – Bhausahab, who is aged about 62 years, Pradeep who is aged about 32 years and Pravin aged about 27 years. All the applicants have suffered grievous injuries, as is certified by the Doctor apparent from the documents placed on record and they are hospitalized on 28th April, 2016 for the treatment. He would then submit that only as a counter-blast, the above offences are registered as there is also a FIR registered, resulting into registration of crime no. I-59 of 2016 for the offences punishable under section 143, 147, 148, 326, 324, 323, 504, 506 and 427 of the Indian Penal Code at the behest of applicant no.1 herein (Bhausahab Ghuge) against the accused persons named therein, in which the complainant – Shivaji is also named as one of the accused. He would then submit that only as a counter blast, the applicant no.1, who is a senior citizen aged about 62 years, is falsely implicated in the present crime.

. Learned counsel for the applicants then would urge that the role attributed to the applicant nos.2 and 3 is vague in nature and as such their custodial interrogation would not be necessary.

6. Learned A.P.P. opposed the application on the ground that the complainant in crime no. I-58 of 2016 has suffered grievous injury and as such the custodial interrogation of applicant no.1- Bhausahab is very much necessary for the recovery of weapon and the investigation.

7. Learned A.P.P. then would urge that in case if the protection is granted to the applicants, then there is likelihood of law and order problem and as such prays for rejection of both the Criminal Applications.

8. Having bestowed my thoughtful consideration to the submissions advanced before me, it is required to be noted that complainant Shivaji in

crime no. I-58 of 2016 is already named as accused in crime no.I-59 of 2016. Complainant in crime no. I-60 of 2016 is the wife of said Shivaji, who was not named as accused at the behest of present applicants in crime no.I-59 of 2016.

9. What is noted from the investigation papers is that there are counter FIRs and the present applicants, particularly, applicant no.1 – Bhausahab, who is aged about 62 years, has also suffered serious injury. Apart from above, it is required to be noted that the role attributed to applicant nos.2 and 3 is general in nature and not specific as regards their participation in the crime, as mentioned in the FIR.

10. In view of the counter FIRs, false involvement of the applicants in the crime in question cannot be ruled out. Apart from above, the applicants were hospitalized on 28/4/2016 for the treatment of the grievous injuries, as is reflected

from the documents, as are then on record at page nos.40, 41 and 42 of the present proceedings.

11. In view of above, in my opinion, the applicants herein are entitled to be released on pre-arrest bail in both the crimes i.e. crime no.I-58 of 2016 and I-60 of 2016 registered at Sangamner Taluka Police Station, Tq. Sangamner, Dist. Ahmednagar. Hence, I propose to pass the following order:-

ORDER

I) In the event of arrest the applicants in crime no.I-58 of 2016 and crime no.I-60 of 2016 both registered with Sangamner Taluka Police Station, Tq. Sangamner, Dist. Ahmednagar for the offences punishable under section 326, 324, 323, 504 and 506 of the Indian Penal Code and under section 354, 323, 504, 506 r/w. 34 of the Indian Penal Code, respectively, each of them be released on bail, 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.

II) The applicants shall not tamper with the prosecution evidence in any manner.

12. Both Criminal Applications stand disposed of accordingly.

Sd/-
[N.W. SAMBRE]
JUDGE

arp/-