

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO. 2796 OF 2016

- 1] Prakash S/o Ramnath Chame
2] Trimbak S/o Bhanudas Deobone
3] Vijay S/o Ramnath Girbone
4] Ramnath S/o Totaram Chame
5] Arun S/o Ramnath Girbone .. Applicants

Vs.

The State of Maharashtra and ors. .. Respondents

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Mr. N.K. Kakade, Advocate for the applicant
Mr. C.V. Dharurkar, APP for the respondent-State
Mr. A.S. Kulkarni, Advocate h/f Mr. J.V. Deshpande,
Advocate for assist to APP

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CORAM : N.W. SAMBRE, J.
DATE : 15/06/2016

ORAL ORDER :

Heard.

2. The applicants are seeking pre-arrest bail in Crime no.199 of 2016 registered at M.I.D.C. Waluj Police Station, Tq. Gangapur, Dist. Aurangabad for

the offences punishable under section 307, 324, 323, 504, 506, 427, 143, 147, 148, 149 of the Indian Penal Code r/w. Section 135 of the Bombay Police Act for the alleged incident dated 27/4/2016. It is required to be noted that accused no.5 – Trimbak i.e. applicant no.2 herein has married with one Nirmala, at whose behest crime no.197 of 2016 was registered on the same date i.e. 27/4/2016 for the alleged offences punishable under section 324, 504, 506, 143, 147, 148, 149 of the Indian Penal Code.

3. It is the prosecution case that in view of earlier differences between the applicants and complainant, particularly during certain celebration, the applicants have entered into an altercation and have assaulted the complainant and his family members.

4. While trying to make out a case for grant of pre-arrest bail, learned counsel for the applicants Shri Kakade would urge that out of the

five applicants, some are public servants and are very much available for investigation, as there is hardly any likelihood of their running away from the process of investigation and the prosecution. He would then submit that due to registration of crime no.197 of 2016, false implication of the present applicants cannot be ruled out.

5. Learned A.P.P., who is assisted by the learned counsel for the complainant, submits that there is strong prima facie case against the applicants, as all the injured have given statements implicating the applicants in the crime in question.

6. Learned A.P.P. then would urge that there might be law and order problem and it is necessary that the applicants' application be rejected, as they may tamper with the prosecution evidence.

7. With the assistance of respective counsel, I have perused the papers brought on record and also

the investigation papers.

8. But for the victim Bhaskar, other victims have suffered simple injuries. It is not in dispute that the applicants are public servants and are very much available for the prosecution. False implication of the applicants cannot be ruled out in view of registration of crime no.197 of 2016 at the behest of Nirmala, wife of applicant no.2 -Trimbak. In view thereof, the following order:-

9. In the event of the arrest of the applicants in Crime no. 199 of 2016 registered with M.I.D.C. Waluj Police Station, Tq. Gangapur, Dist. Aurangabad for the offences punishable under section 307, 324, 323, 504, 506, 427, 143, 147, 148, 149 of the Indian Penal Code r/w. section 135 of the Bombay Police Act, they be released on bail upon their executing P.R. bonds in the sum of Rs.15,000/- (Rs. Fifteen Thousand) each with one surety each in the like amount.

10. The applicants shall not tamper with the prosecution evidence.

11. The applicants shall not enter the territorial jurisdiction of concerned Police Station till filing of the chargesheet.

12. Criminal Application stands disposed of accordingly.

[N.W. SAMBRE]
JUDGE

arp/-