

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO. 2967 OF 2016

Javed S/o Rasul Patel & Ors. .. Applicants

Vs.

The State of Maharashtra .. Respondents

.....

Mr. Sachin S. Shinde, Advocate for the applicants

Mr. Salgare, APP for the respondent-State

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CORAM : N.W. SAMBRE, J.

DATE : 21/06/2016

ORAL ORDER:

1. Heard.

2. The applicants are seeking pre-arrest bail in Crime No.0158/2016 registered at MIDC CIDCO Police Station, Dist. Aurangabad for the offences punishable under section 307, 341, 143, 504, 506 of the Indian Penal Code.

3. The prosecution story as against the present applicants is that, the complainant's son

was married to Humerati who had left the matrimonial home due to harassment at the hands of applicants. It is the case of the prosecution that, the daughter-in-law of the complainant since, did not return back to the matrimonial home so as to settle the differences, the present applicants have attacked them.

4. Apart from delay in lodging FIR of about five days, the investigating papers depict, that on the next day i.e. 08.05.2016, the complainant gave a supplementary statement, wherein he has retracted from his earlier statement and stated that the applicants are falsely implicated in the crime in question.

5. It is then required to be noted, that the delay of five days in lodging FIR is unexplained.

6. The contents of the FIR depict that, there were differences between the family of the complainant and the applicants and as such, in view

of the supplementary statement of the complainant, false implication of the applicants in the crime in question cannot be ruled out.

7. The complainant, as is apparent from the investigation, has suffered a simple injury. There is no material on record to confirm that, the poison was administered to the complainant.

8. In this background, in my opinion, custodial interrogation of the applicants is not necessary. Hence, the following order.

ORDER

- (i) In the event of the arrest of the applicants in Crime No. 0158/2016 registered at MIDC CIDCO Police Station, Dist.Aurangabad for the offence punishable under sections 307, 341, 143, 504, 506 of the Indian Penal Code, they be released on bail upon their executing P.R. bond in the sum of Rs.15,000/-(Rs. Fifteen Thousand) each, with one surety each in the like amount.

- (ii) The applicants shall attend the concerned Police Station on 25.06.2016 and 26.06.2016 between 10:00 AM and 12:00 AM and thereafter as and when called.
- (iii) The applicants shall not tamper with the prosecution evidence and witnesses.

9. Criminal Application stands disposed of accordingly.

[N.W. SAMBRE]
JUDGE