

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

**Criminal Application No. 2318 of 2016**

District : Aurangabad

Akshay Deorao Jadhav,  
Age : 21 years,  
Occupation : Education,  
R/o. Plot No.117,  
Shastri Nagar,  
Garkheda Parisar,  
Aurangabad.

.. Applicant.

**versus**

The State of Maharashtra  
(At the instance of Mukundwadi  
Police Station).

.. Respondent.

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*Mr. Abhaysinh K. Bhosale, Advocate, for the  
applicant.*

*Mr. C.V. Dharurkar, Addl. Public Prosecutor, for  
the respondent.*

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**With**

**Criminal Application No. 3074 of 2016**

District : Aurangabad

1. Mahendra s/o. Navnath Waghmare,  
Aged : 30 years,  
Occupation : Labour,  
R/o. Gajanan Nagar, Garkheda,  
Aurangabad.

2. Hitendra s/o. Navnath Waghmare,  
Aged : 20 years,  
Occupation : Student,  
R/o. Gajanan Nagar,  
Garkheda,  
Aurangabad. .. Applicants.

**versus**

The State of Maharashtra,  
Through the Police Station,  
Mukundwadi, Aurangabad,  
District : Aurangabad. .. Respondent.

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*Mr. Atul P. Shejul, Advocate, for the  
applicants.*

*Mr. C.V. Dharurkar, Addl. Public Prosecutor, for  
the respondent.*

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**CORAM : N.W. SAMBRE, J.**

**DATE : 16TH JUNE 2016**

**PER COURT :**

Heard.

2. In Criminal Application No. 2318 of 2016,  
notice was already issued on 22nd April 2016 and the  
learned Addl. Public Prosecutor waived notice on  
behalf of the respondent - State.

3. So far as Criminal Application No. 3074 of  
2016 is concerned, issue notice to the respondent.

The learned Addl. Public Prosecutor waives service of notice on behalf of the respondent - State.

4. As the entire investigation papers are available, both the Applications are heard and decided together.

5. The applicants in both the applications are seeking pre-arrest bail in connection with Crime No. 177/2016, registered with Mukundwadi Police Station, Aurangabad, for offences punishable under Sections 307, 143, 144, 147, 148 and 149 of the Indian Penal Code, for an alleged incident dated March 1, 2016.

6. In the FIR, specific role is attributed to each of the accused. In the FIR, role attributed against the present applicants is that with the help of iron rod, they assaulted the complainant.

7. Upon perusal of the investigation papers, it depicts that the victim had suffered in all three stab injuries. The complainant has specifically named Chiku Chavan who had caused stab injuries on different parts of body of the complainant.

8. So far as use of rod is concerned, the injury certificate specifically does not denote such injuries caused by hard and blunt object.

9. In a supplementary statement recorded on 6th March 2016, the complainant has named present applicant as accused persons who have used knife along with rod during commission of crime.

10. If the said statement is examined in the light of the contents in the FIR and the averments in the supplementary statement, attributing role to the applicants about use of knife, the story put forth appears to be improbable and by way of afterthought. In the above referred background, false implication of the applicants cannot be ruled out. Hence, the applicants in both the applications deserve to be granted pre-arrest bail.

11. Hence, both the Application are allowed with the following directions :-

(a) In the event of arrest of the applicants in both the applications, they are directed to be released on bail, in connection with Crime No. 177/2016, registered with Mukundwadi Police Station, Aurangabad, for offences punishable under Sections 307, 143, 144, 147, 148 and 149 of the Indian Penal Code, on their furnishing P.R. Bond in the sum of Rs. 15,000/- each, with one surety in the like amount by each of them.

(b) The applicants in both the applications shall attend Police Station, Mukundwadi, Aurangabad, on 18th and 19th June 2016, between 10.00 a.m. to 12.00 noon and thereafter as and when called by the Investigation Officer for the purpose of investigation.

(c) The applicants shall not try to contact prosecution witnesses and they shall not try to tamper with the prosecution evidence in any manner whatsoever.

12. The Applications stand disposed of in the aforesaid terms.

( N.W. SAMBRE )  
JUDGE

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