

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO. 3124 OF 2016
WITH APPLN/3586/2016 IN APPLN/3124/2016

1. Navnath s/o Sheshrao Raut,
2. Narayan alias Vaibhav s/o Vikram Raut
3. Sopan Bhujangrao Raut,
4. Vitthal s/o Mahadeo Raut,
5. Shankar s/o Asruba Raut,
6. Bhagwan Gendeo Raut,
7. Ramprasad s/o Arjun Raut ...Applicants

versus

The State of Maharashtra ...Respondent

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Advocate for Applicant Mr. Deshmukh Rajendra S.
APP for Respondents: Mr. S.Y.Mahajan
Advocate for complainant: Mr. R.G. Hange (Assist to P.P)

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CORAM : V. K. JADHAV, J.
DATED : 20th JULY, 2016

PER COURT:-

1. Application to assist public prosecutor is allowed. Application is accordingly disposed of.
2. Heard the learned counsel for the applicants and learned A.P.P. for the respondent-State.

3. Read the application. Perused the investigation papers. On the basis of complaint lodged by one Kundlik Haribhau Khande, crime No.81 of 2016 came to be registered with Pimpalner police station, district Beed for the offences punishable under Sections 307, 143, 147, 148, 149 of I.P.C. and Sections 4/27 of Arms Act. It has alleged in the complaint that on 10.5.2016 at about 10.30 a.m. Sambhaji Raut, Bhagwan Raut, Ashok Raut were sitting in the hotel of Ganesh Khande situated at Malas Javala. At that time, present applicants came there with weapons like sword, iron rod, sticks etc. Consequently, those three persons approached the informant and narrated him about the said assembly of the applicants, armed with the weapons. Thus, the informant told them to lodge the complaint and accordingly the said three persons started proceeding towards police station alongwith brother of informant viz. Namdeo Khande. They started proceeding in Scorpio vehicle of the informant towards police station. On way, near the field of Dashrath Raut, the applicants assaulted them by means of sticks and iron rods. In the said incident, injured Ashok Raut was assaulted by means of sword on his head and injured Vaibhav and Sambhaji by means of stick and iron rod. Specific role is assigned to each and every applicants-accused. On the basis of these allegations, the applicants came to be arrested by the police during the period from 11.5.2016 to

14.5.2016 and since then they are in jail. They preferred this application for getting them released on bail. Their application with similar prayer came to be rejected by the Additional Sessions Judge, Beed by order dated 8.6.2016 in Misc. Criminal application No. 264 of 2016.

4. Learned counsel for the applicants submits that the complaint is the outcome of political rivalry between two groups. On the day of incident, the applicants were beaten by the informant and his associates and on the basis of complaint lodged by present applicant No.6 Bhagwan Dnyandeo Raut, crime No. 80 of 2016 came to be registered in the same police station for the offence punishable under Section 307, 427, 427, 341, 143, 147, 148, 149 r.w. 34 of I.P.C. Learned counsel submits that the said complaint is earlier in time and in order to counter blast it, complaint in crime No. 81 of 2016 came to be lodged. Considering the nature of complaint lodged by the present applicant No.6, it appears that there was free fight between two groups and accordingly members of both the groups sustained injuries in the incident. The accused persons in said crime No. 80 of 2016 came to be released on pre-arrest bail, whereas the present applicants though sustained grievous injuries in the said incident, are still in jail. Learned counsel submits that all applicants have fixed place of residence and they will be easily available for trial. So far as

possibility of tampering with the prosecution evidence is concerned, learned counsel submits that the applicants are ready to abide by any conditions imposed by this Court.

5. Learned A.P.P. submits that the informant and other injured witnesses were assaulted by the applicants with the help of deadly weapons like iron rod, sticks etc. Injured Ashok Raut and Haribhau Khande are still admitted in the hospital and they are not out of danger. If the present applicants are released on bail, there will be law and order problem in the village Malas Javla. Most of the witnesses have sustained grievous injuries and the applicants had freely used the dangerous weapons in the assault as narrated in the complaint.

6. It appears that in respect of the same incident, the applicant No.6 has also lodged the complaint. On the basis of which crime No. 80 of 2016 came to be registered in the same police station against the present informant and his associate for the offences punishable under Sections 307, 427, 427, 341, 143, 147, 148, 149 r.w. 34 of I.P.C.

7. It also appears from the contents of both the complaints that there was free fight between two groups out of political rivalry and

both the groups have used the weapons like sword, sticks and iron rods in the assault. Consequently, the members of both the groups sustained grievous injuries in the assault. The applicants came to be arrested between 11.5.2016 to 14.5.2016. Thus, they are in jail for considerable period. Practically, the investigation is almost over and the formality of filing charge sheet is only remained. So far as the law and order problem, as apprehended by the learned A.P.P. is concerned, that can be taken care by imposing certain conditions. Hence, the following order.

- I) The application is hereby allowed.
- II) The applicant No. 1. Navnath s/o Sheshrao Raut, 2. Narayan alias Vaibhav s/o Vikram Raut, 3. Sopan Bhujangrao Raut, 4. Vitthal s/o Mahadeo Raut, 5. Shankar s/o Asruba Raut, 6. Bhagwan Gendeo Raut and 7. Ramprasad s/o Arjun Raut, be released on bail in connection with crime No.81 of 2016 came to be registered with Pimpalner police station, district Beed for the offences punishable under Sections 307, 143, 147, 148, 149 of I.P.C. and Sections 4/27 of Arms Act on furnishing P.R. bond of Rs.20,000/- (Rupees Twenty thousand only) each with one solvent surety in the like amount on following conditions:-
 - a) The applicants shall not tamper with the prosecution evidence in any manner.

- b) The applicants shall make themselves available as and when required by the Investigating Officer.
 - c) The applicants shall attend the concerned police station once in a week i.e. on every Monday between 9 a.m. to 11.00 a.m. and shall not enter in village Malas Javla till filing of the charge sheet.
 - d) Bail before the trial court.
8. Criminal application for bail is disposed of.

(V. K. JADHAV, J.)

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