

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

CRIMINAL APPLICATION NO.3240 OF 2016

1. Rajkumar s/o Rangnathrao Kute,
 2. Tukaram s/o Keshavrao Kute,
 3. Haribhau s/o Tukaram Kute,
- All R/o. Pimpalgaon (Kute),
Tq. Basmat, Dist. Hingoli. ...Applicants

versus

The State of Maharashtra
through Police Station,
Hatta, Tq.Basmath, Dist. Hingoli. ...Respondent

WITH

**CRIMINAL APPLICATION NO.3471 OF 2016
IN
CRIMINAL APPLICATION NO. 3240 OF 2016**

Vikas Vinayakrao Kutte,
Age: 24 years, Occ: Agri.,
R/o. Pimpalgaon Kute, Tq. Wasmath,
Dist. Hingoli. ...Applicant

versus

Rajkumar s/o Rangnathrao Kute & ors ...Respondents

.....
Mr. G.K. Naik Thigle, Advocate for applicants
Ms. R.P. Gour, A.P.P. for respondent/State
Mr. Zia ul Mustafa, Advocate to assist A.P.P.
.....

WITH

CRIMINAL APPLICATION NO.3181 OF 2016

1. Chandrashekhar Awdhuttrao Kute,
2. Sunder Gulabrao Kute,

3. Vinayak Manikrao Kute,

4. Khanderao Gulabrao Kute,

All R/o. Pimpalgaon Kute,
Tq. Wasmat, Dist. Hingoli.

...Applicants

versus

The State of Maharashtra
through Hatta Police Station,
Tq. Wasmath, Dist. Hingoli.

...Respondent

.....
Mr. Zia ul Mustafa, Advocate for applicants
Mr. S.D. Ghayal, A.P.P. for respondent/State
.....

CORAM : N.W. SAMBRE, J.

DATE : 27th JUNE, 2016

ORAL ORDER :

For the reasons stated in Criminal Application No.3471 of 2016 seeking permission to assist prosecution in Criminal Application No., 3240 of 2016, same stands allowed.

2. Mr. Thigale, learned Counsel for the applicants, upon instructions, makes motion for withdrawal of the application on behalf of applicant No. 1 Rajkumar s/o Rangnathrao Kute in Criminal Application No.3240 of 2016, as such, his application stands dismissed.

3. The applicants in both the applications have lodged first information report against each other in respect of respective crimes, resulting into registration of Crime No. 45 of 2016, for an offence punishable under 326, 324, 143, 147, 148, 149, 504, 506 of the Indian Penal Code in Criminal Application No. 3181 of 2016 and Crime No. 43 of 2016 for an offence punishable under Sections 307, 326, 324, 143, 147, 148, 149, 323 of the Indian Penal Code, registered with Hatta Police Station, Taluka Wasmat, District Hingoli.

4. Crime No. 43 of 2016 and Crime No. 45 of 2016 are registered on 14/05/2016 and 16/05/2016 respectively with the same police station.

5. *Prima facie*, upon perusal of the contents of first information reports, it would depict that there is outcome of registration of both the above referred crimes.

6. Apart from above, looking to the nature of allegations and nature of injuries suffered would depict the role attributed to the accused to the use of weapon from the injury certificates, the allegation to certain extent appears to be incorrect of assault, as the contents in the first information reports would not match with the

injury certificates.

7. Apart from above, in my opinion, in view of counter first information reports, false implication of the accused persons cannot be ruled out.

8. In view of above, both the criminal applications stand allowed, but for applicant No. 1 Rajkumar s/o Rangnathrao Kute in Criminal Application No. 3240 of 2016. Hence, the following order:-

(i) In the event of arrest, applicant No. 2 Tukaram s/o Keshavrao Kute and applicant No. 3 Haribhau s/o Tukaram Kute in Criminal Application No.3240 of 2016 be released on bail, in connection with Crime No. 43 of 2016 for an offence punishable under Sections 307, 326, 324, 143, 147, 148, 149, 323 of the Indian Penal Code, registered with Hatta Police Station, Taluka Wasmal, District Hingoli, upon furnishing P.R. bond of Rs.15,000/- with one surety in the like amount, by each of them.

(ii) In the event of arrest, applicants in Criminal Application No.3181 of 2016 be released on bail, in connection with Crime No. 45 of 2016, for an offence punishable under 326, 324, 143, 147, 148, 149, 504, 506 of the Indian Penal Code, registered with Hatta Police

Station, Taluka Wasmata, District Hingoli, upon furnishing P.R. bond of Rs.15,000/- with one surety in the like amount, by each of them.

(iii) The applicants shall attend the concerned police station on 7th and 8th July, 2016 between 10-00 a.m. to 12-00 noon and thereafter as and when called by the Investigating Officer.

(iv) The applicants shall not tamper with the prosecution evidence.

(v) If it is noticed that the applicants are involved in similar crimes as are alleged in the present case, the Investigating Officer will be at liberty to approach this Court straightway for cancellation of bail.

9. Both the criminal applications stand allowed in above terms.

[N.W. SAMBRE, J.]

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