

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO.3413 OF 2016

1. Yogesh S/o Ganesh Dandge,
Age-19 years, Occu-Education,
R/o Jalki Bazar, Sillod,
Tal.Sillod, Dist.Aurangabad,

2. Praveen s/o Suresh Dandge,
Age-22 years, Occu-Education,
R/o Jalki Bazar, Sillod,
Tal.Sillod, Dist.Aurangabad.

APPLICANTS

VERSUS

The State of Maharashtra,
Through the Police Station Officer,
Ajintha Police Station,
Ajintha, Dist.Aurangabad

RESPONDENT

Mr.S.D.Tawshikar, learned counsel for the applicants.
Mr.S.J., APP for the respondent/State.

(CORAM : SMT. SADHANA S. JADHAV, J.)

DATE : 11/07/2016

PER COURT :

1. Heard.

2. The applicants herein are apprehending their arrest in Crime No.30/2016 registered at Ajintha Police Station, Dist. Aurangabad for the offences punishable u/s 307, 452, 323, 143, 147, 149, 504 r/w 34 of the IPC.

3. By an order dated 27/06/2016, the applicants herein granted interim protection by this Court and the learned APP was directed to produce the papers of investigation. Perused the papers of investigation.

4. It appears from the FIR itself that the crime was registered on 21/02/2016 in respect of an incident which had taken place on 18/02/2016. It is alleged in the FIR by the complainant that on 18/02/2016 at about 8.00 a.m. when the complainant was at home, her relatives namely Ganesh Rangnath Dandge, Shivrai Rangnath Dandge, Yogesh Ganesh Dandge and others had been to her house and started taking measurements of her house. There was an altercation. At that time, the present applicants had abused her and assaulted her with fists and kick blows. Thereafter, the co-accused had followed her into the house and had forcibly administered poison.

5. The papers of investigation would reveal that she was admitted in Government Medical College Hospital on 18/02/2016 and was discharged on 20/02/2016. Two accused persons, against whom there are allegations of administration of poison, have been enlarged

on bail u/s 439 of the Cr.P.C. It appears that the allegations against the present applicants are restricted to being the members of an unlawful assembly and abused and assaulted the complainant before she entered in her house.

6. Taking into consideration the nature of accusations and the papers of investigation, the interim relief granted vide order dated 27/06/2016 deserves to be confirmed. Hence order :-

- [a] Application is allowed.
- [b] In the event of arrest, the applicants be enlarged on bail on furnishing PR bond in the sum of Rs.15,000/- (Rs.Fifteen thousand only) each with one surety each in the like amount.
- [c] The applicants shall report to the concerned police station as and when called.

7. Application stands disposed of accordingly.

8. The observations are prima facie in nature and shall not be considered for the purpose of quashing of FIR, discharge application or at the stage of trial.

(SMT. SADHANA S. JADHAV, J.)