

(1)

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

CRIMINAL APPLICATION NO. 3467 OF 2016

1. Chandrabhan s/o Parasram Kolse,
Age: 65 years, Occ: Agri.,
2. Balasaheb s/o Sitaram Kolse,
Age: 47 years, Occ: Agri.,
3. Ravindra s/o Ashok Kolse,
Age: 33 years, Occ: Agri.,

All R/o. Guha, Tq. Rahuri,
District Ahmednagar.

..APPLICANTS

VERSUS

The State of Maharashtra
Through Police Inspector,
Rahuri Police Station.

..RESPONDENT

Mr N.K. Chaudhari, Advocate for applicant;
Mr A.S. Shinde, Addl. Public Prosecutor for
respondent

CORAM : N.W. SAMBRE, J.

DATE : 26th July, 2016

ORDER :

The applicants are seeking pre-arrest bail
in Crime No.I-205 of 2016 registered with Rahuri
Police Station, District Ahmednagar, for the

(2)

offence punishable under Sections 326 read with Section 34 of the Indian Penal Code, for the alleged incident dated 27th May, 2016.

2. The prosecution case against present applicants is that the applicants and complainant are close relatives and the complainant was holding agricultural land bearing Gat No. 524 to the extent of 3 acres. The complainant was required to pass through the land, which was in possession of the applicants and the applicants have tried to interrupt movements of the complainant, which was resisted by the complainant. The applicants along with main accused Babasaheb thrown chemical substance on the person of complainant, resulting into suffering of burn injuries, which are simple in nature.

3. While trying to make out a case for grant of pre-arrest bail, learned Counsel for the applicants submits that apart from the relations of the applicants with the complainant, it is admitted

(3)

position of record that there exists boundary dispute/dispute for approach road between the parties hereto. He would submit that the main role is attributed to accused Babasaheb and there are vague allegation against the applicants.

4. Learned A.P.P. submits that custodial interrogation of the applicants is necessary so as to find out the source of procuring chemical, which is used in the commission of crime in question. He would submit that there is also likelihood of disturbing law and order in the same area, as the applicants and complainant are owners of adjoining area.

5. Having bestowed my thought to the submissions made, it is required to be noted that there are general and vague allegations against the applicants. The main role is attributed to accused Babasaheb, whose application is already withdrawn by him.

(4)

6. Apart from above, perusal of the first information report does not depict specific role to the applicants so as to infer that there is requirement of custodial interrogation.

7. In view of dispute in relation to the right of way, false naming of the applicants in the crime in question cannot be ruled out.

8. In view of above, present application, in my opinion, needs to be granted. Hence, the following order :-

(a) In the event of arrest of the applicants, in connection with Crime No. I-205 of 2016 registered with Rahuri Police Station, District Ahmednagar, for the offence punishable under Sections 326 read with Section 34 of the Indian Penal Code, they be released on bail, on each of them furnishing P.R. Bond of Rs.15,000/-, with one surety in the like amount.

(5)

(b) Till filing of the charge sheet, the applicants shall not enter into the disputed area.

9. Criminal Application stands allowed in above terms.

(N.W. SAMBRE, J.)

Tupe