

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

CRIMINAL APPLICATION NO.3511 OF 2016

Akash s/o Chandrakant Somwanshi,
Age 24 years, Occu. Student,
R/o Sahajivan Colony, Silke Khana,
Taluka and District Aurangabad

..Applicant

Versus

The State of Maharashtra,
through the Police Inspector,
Mukundwadi Police Station,
Aurangabad District Aurangabad

..Respondent

Mr V.M. Lomte, Advocate for applicant
Mr C.V. Dharurkar, A.P.p. for respondent

CORAM : V.K. JADHAV, J.

DATE : 19th July 2016

PER COURT

Heard learned Counsel for the applicant and learned A.P.P. for respondent-State.

2. The applicant is seeking pre-arrest bail in connection with Crime No.0177/2016, registered at Police Station, Mukundwadi, District Aurangabad, for the offences punishable under Sections 307, 143, 144, 147, 148, 149 of the Indian Penal Code.

3. The application filed by the applicant with similar prayer came to be rejected by the Additional Sessions Judge, Aurangabad vide order dated 25th July 2016 passed below Exh.1 in Bail Petition No.719/2016.

4. On the basis of complaint lodged by one Vishal Ramdas Gaikar, the aforesaid crime came to be registered. It is alleged in the

complaint that on 1st March 2016, the quarrel had taken place. In the said quarrel, accused Aditya alias Chiku Chavan has given blows of knife on the back of the complainant and the other accused persons including present applicant beaten the young brother of the complainant viz. Vaibhav with the help of iron rod. On the basis of these allegations, the applicant apprehends his arrest at the hands of the Police.

5. Learned Counsel for the applicant submits that the applicant is falsely involved in this case out of political rivalry. This Court, while deciding the Criminal Application No.2318 of 2016, has observed that the injury certificate of the injured witnesses do not denote that the injuries caused by hard and blunt object. Learned Counsel submits that it has alleged against the applicant that along with other accused persons, he has beaten the younger brother of the complainant with the help of iron rod.

6. Learned A.P.P. submits that there is a strong prima facie case against the present applicant, as his name is mentioned in the first information report. In the said circumstances, the custodial interrogation of the applicant is necessary for recovery of the weapons alleged to have been used in the assault.

7. Upon perusal of the complaint, it appears that the allegations have been made against the present applicant to the extent that he had beaten the younger brother of the complainant with the help of iron rod. It appears from the investigation papers that the said injured Vaibhav (younger brother of complainant Vishal) has sustained sharp

injuries on his person and the said injuries are not likely to be caused by hard and blunt object. Furthermore, the applicant is a student of Deogiri College, Aurangabad and his bona fide certificate is placed on record at Exh.'A'. He was taking education in B.Sc. First year during the academic year 2014-2015. It further appears from the report of Investigating Officer that his antecedents are clear. Applicant is not like to be absconded and he has fixed place of residence. In view of this, I propose to pass the following order :

ORDER

- (I) Criminal Application is hereby allowed.
 - (II) In the event of arrest in connection with Crime No.0177 registered at Police Station, Mukundwadi, District Aurangabad, for the offences punishable under Sections 307, 143, 144, 147, 148, 149 of the Indian Penal Code, the applicant Akash Chandrakant Somwanshi be released on bail, on furnishing personal bond of Rs.15,000/- (Rs.Fifteen thousand) with one surety of the like amount, on the following conditions.
 - (III) The applicant shall not tamper with the prosecution evidence in any manner.
 - (IV) The applicant shall make himself available as and when required by the Investigating Officer.
8. Criminal Application stands disposed of accordingly.

(V.K. JADHAV, J.)