

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO. 3559 OF 2016

1. Arun @ Babu s/o Bapurao Gaikwad
2. Ganesh s/o Gangadhar @ Gangaram Gaikwad (Withdrawn)
3. Siddheshwar Eknath Hoke
4. Vikas Eknath Hoke
5. Dharmraj Devrao Alane
6. Ravi Dharmraj Alane (Withdrawn)
7. Bapurao Ganpati Gaikwad
8. Gangadhar Bapurao Gaikwad ...Applicants

versus

The State of Maharashtra ...Respondent

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Advocate for Applicant Mr. S.J. Salunke
APP for Respondents: Ms. R.P. Gour

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CORAM : V. K. JADHAV, J.
DATED : 21st JULY, 2016

PER COURT:-

1. Learned counsel for the applicants, on instructions, seeks leave to withdraw the application to the extent of applicant No.2 Ganesh s/o Gangadhar @ Gangaram Gaikwad and applicant No.6 Ravi Dharmaraj Alane. The application is disposed of as withdrawn to the extent of those applicants with liberty to file application after

charge sheet is filed.

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 Suvarnamala Shivaji Bhosle, crime No.0110 of 2016 came to be registered with Majalgaon (Rural) police station, district Beed for the offences punishable under Sections 307, 452, 323, 143, 147, 148, 149, 504, 506 of I.P.C. It has alleged in the complaint that prior to the incident, son of the informant viz. Gopal had misbehaved with one Vaishali and Vaishali has also lodged complaint against said Gopal and one Sachin on account of the said misbehaviour. On 25.5.2016 at about 9.00 a.m. all the applicants, armed with weapons, entered in the house of the informant and mercilessly beaten the informant and her son Gopal. In consequence of which, Gopal sustained grievous injuries on his head, chest etc. On the basis of these allegations, the applicants came to be arrested on 31.5.2016 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, Majalgaon by order dated 20.6.2016 in Misc. Criminal application No. 108 and 110 of 2016.

4. Learned counsel for the applicants submits that there are allegations to the extent that applicant No.2 Ganesh was armed with weapon sword and applicant No.6 Ravi was armed with weapon iron road at the time of incident. The application is not pressed to their extent and the same is withdrawn. So far as the other applicants are concerned, they were armed with sticks at the time of incident and there are general allegations against them, without specifying their role in the incident. Learned counsel submits that the applicants are in jail for a considerable period. Practically, investigation is almost over and the formality of filing charge sheet is only remained. 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 though injured Gopal is discharged from hospital he is not in a position to give his statement and his detail statement is yet to be recorded. The said Gopal had sustained grievous injuries in the incident and his statement is yet not recorded. Learned A.P.P. submits that all the applicants armed with weapons entered in the house of the informant and also caused injuries to the family members including the informant.

6. On careful perusal of complaint and the investigation papers, it appears that there are general allegations against remaining applicants to the effect that at the time of incident they were armed with the weapons, like sticks and no specific role ascribed to each of them. So far as the applicant No.2 Ganesh and applicant No.6 Ravi are concerned, against whom specific allegations have been made, their application is not pressed by the counsel appearing for them. The applicants are in jail for considerable period. Except recording statement of injured Gopal, practically the investigation is almost over. So far as possibility of tampering with the prosecution evidence is concerned, that can be taken care of by imposing certain conditions. Hence, the following order.

- I) The application is hereby allowed.
- II) The applicant Nos.1. Arun @ Babu s/o Bapurao Gaikwad, 3. Siddheshwar Eknath Hoke, 4. Vikas Eknath Hoke, 5. Dharmraj Devrao Alane, 7. Bapurao Ganpati Gaikwad and 8. Gangadhar Bapurao Gaikwad be released on bail in connection with crime No.0110 of 2016 registered with Majalgaon (Rural) police station, district Beed for the offences punishable under Sections 307, 452, 323, 143, 147, 148, 149, 504, 506 of I.P.C. on furnishing P.R. bond of Rs.10,000/- (Rupees Ten 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 not enter within the limits of village Kherda (Khurd) Tq, Majalgaon, District Beed, till filing of the charge sheet.
- d) Bail before the trial court.

7. Criminal application is disposed of.

(V. K. JADHAV, J.)

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