

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

CRIMINAL APPLICATION NO. 3597 OF 2016

Sursing Namdeo Patil
and others

...Applicants

VERSUS

The State of Maharashtra

...Respondent

.....
Shri V.B.Patil, advocate for applicants
Shri C.V.Dharurkar, A.P.P. for respondent/State

.....

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

DATED : 12th JULY, 2016

PER COURT :-

Heard learned counsel for the applicants
and the learned A.P.P. for the respondent/State.
Perused the papers of investigation.

2. At the out set, the learned counsel for
the applicants, upon instructions, seeks liberty
to withdraw the application as far as applicant
nos.2 and 3 are concerned. Hence, the application

filed by applicant nos.2 and 3 stands dismissed as withdrawn.

3. The applicant no.1 is apprehending his arrest in Crime No. 73 of 2016, registered at Bhadgaon police station, District Jalgaon, for the offences punishable under Sections 143, 147, 148, 149, 324, 323, 326, 504, 506 of the Indian Penal Code.

4. The papers of investigation would show that Deepak and Ravindra had sustained grievous injuries. Learned A.P.P. submits that the applicant no.1 has been attributed a specific role and the papers of investigation would indicate that the applicant no.1 was armed with a sword at the time of incident. Hence, according to the learned A.P.P. the applicant no.1 does not deserve to be granted protection under Section 438 of the Criminal Procedure Code.

6. Learned counsel for the applicants submits

that the applicant no.1 is about 75 years old. According to the learned counsel the possibility of false implication cannot be ruled out, and hence, the applicant no.1 deserves to be granted pre-arrest bail. This Court, taking into consideration the age of the applicant no.1 is inclined to grant pre-arrest bail to applicant no.1. Hence the following order.

(i) In the event of arrest, the applicant no.1 be enlarged on bail on furnishing P.R. Bond in the sum of Rs.15,000/- with one or two sureties in the like amount.

(ii) The applicant no.1 shall report to the Bhadgaon police station on every Sunday between 10.00 a.m. and 12.00 noon and cooperate with the investigating agency to the best of his capacity till the charge sheet is filed.

(iii) It is made clear that the observations made herein above are prima facie in nature and shall not be considered at the stage of framing of charge or at the stage of trial.

(iv) Application stands disposed of.

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

dbm/crap3597.16