

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

CRIMINAL APPLICATION NO. 3613 OF 2016

Rameshwar s/o Maroti Argade ...Applicant

VERSUS

The State of Maharashtra ...Respondent

.....

Shri N.B.Khandare, advocate h/f
Shri K.D.Jadhav, advocate for applicant
Smt. R.P.Gour, A.P.P. for respondent/State

.....

CORAM : V.K.JADHAV, J.

DATED : 19th JULY, 2016

PER COURT :-

Heard learned counsel for the applicant
and the learned A.P.P. for the respondent/State.

2. On the basis of the complaint lodged by
Sayyad Juned Sayyed Inayat, dated 13.6.2016, Crime
No. 0147 of 2016 came to be registered at Waluj
police station, District Aurangabad, for the
offences punishable under Sections 143, 147, 148,

149, 307 of the Indian Penal Code against the present applicant.

3. The applicant, in connection with the said Crime came to be arrested by police on 13.6.2016 and since then he is in jail. His application with similar prayer came to be rejected by the Additional Sessions Judge, Vaijapur by order, dated 24.6.2016 in Bail Application No. 170 of 2016. It is alleged in the complaint that on 12.6.2016 at about 2030 hours the applicant's brother Ramesh and other-accused including the applicant assaulted the informant with iron rod, sticks, stone, etc. In consequence, the informant sustained grievous injuries on his head and admitted in the hospital. The applicant has, therefore, preferred this application for getting released on bail.

4. Learned counsel for the applicant submits that the name of the applicant is not mentioned in the first information report and simply it is

mentioned in the first information report that two younger brothers of main accused Ramesh Argade also assaulted the informant. Learned counsel submits that no specific role is ascribed to the applicant. The applicant is in jail for considerable period. He is not likely to be absconded and easily available for trial. The learned counsel for the applicant submits that the applicant is ready to abide by the conditions, if imposed, by this Court.

5. Learned A.P.P. submits that there is, prima facie, strong case against the applicant and during the course of investigation, a stick came to be recovered at his instance. Learned A.P.P. further submits that the informant sustained multiple injuries on various parts of his body.

6. It appears from the contents of the complaint that the name of the applicant is not mentioned in the complaint and merely it is stated in the complaint that two younger brothers of

Ramesh Argade also beaten him with the help of certain weapon. Even during the course of investigation it did not transpire that the applicant also has beaten the informant with the help of weapon like stick. The applicant is in jail since 13.6.2016. The applicant has fixed place of residence and is not likely to be absconded. So far as tampering of prosecution evidence is concerned, that can be taken care by imposing certain conditions. Hence the following order.

O R D E R

- (i) Criminal Application is hereby allowed.
- (ii) The applicant-Rameshwar s/o Maroti Argade be released on bail in connection with Crime No. 0147 of 2016 came to be registered at Waluj police station, District Aurangabad, for the offences punishable under Sections 143, 147, 148, 149, 307 of the Indian Penal Code on his furnishing personal bond of Rs.20,000/-(Rs.Twenty Thousand only), with one solvent surety in the like amount.

- (iii) Bail before the trial Court.
- (iv) The applicant shall make himself available for investigation as and when required by the investigating officer.
- (v) The applicant shall attend the Waluj police station, District Aurangabad once in a week i.e. on every Sunday between 9.00 a.m. to 11.00 a.m. till filing of the charge sheet.
- (vi) Application is accordingly disposed of.

(V.K.JADHAV, J.)

dbm/crap3613.16