

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO. 3715 OF 2016

1] Nandkumar Vitthal Ghumare
2] Anandrao Vitthal Ghumare
3] Kantilal Uddhavrao Ghumare
4] Shantilal Uddhavrao Ghumare .. Applicants

Vs.

The State of Maharashtra and anr. .. Respondents

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Mr. V.S. Undre, Advocate for the applicants
Mr. C.V. Dharurkar, APP for the respondent-State
Mr. R.P. Dhase, Advocate for complainant

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CORAM : N.W. SAMBRE, J.

DATE : 25/07/2016

ORAL ORDER :

Heard.

2. The applicants are seeking pre-arrest bail in Crime no. 96 of 2016 registered at Patoda Police Station, Dist. Beed for the offences punishable under section 326, 323, 504, 506 r/w. 34 of the Indian Penal Code, for an alleged incident dated

27/5/2016.

3. Heard Mr. R.P. Dhase, learned counsel for complainant, who has strenuously opposed the prayer for grant of pre-arrest bail. While substantiating his contention in support of rejection of the application, he would urge that since the complainant has suffered grievous injury and looking to the nature of the weapon used, the offence punishable under section 326 of the Indian Penal Code is registered against the applicants. He would submit that the said offence is punishable for 10 years and as such, the application be rejected.

4. Learned A.P.P. adopts the above referred arguments and relies upon the injury certificate.

5. Having considered the injury certificate, it is to be noted that the same was recorded on 27/5/2016, whereas the FIR came to be lodged on 2/6/2016 i.e. almost after a period of 7 days, for which no explanation is tendered.

6. This Court has already ordered release of the applicants on ad-interim anticipatory bail vide order dated 11th July, 2016 and in my opinion, the Application can be disposed of in view of the reasons recorded in the order dated 11th July, 2016 in addition to the above observations, on following conditions.

7. In the event of the arrest of the applicants in Crime no. 96 of 2016 registered with Patoda Police Station, Dist. Beed for the offences punishable under section 326, 323, 504, 506 r/w. 34 of the Indian Penal Code, they be released on bail upon their executing P.R. bonds in the sum of Rs.15,000/- (Rs. Fifteen Thousand) each with one surety each in the like amount.

8. The applicants shall attend the concerned Police Station on 4th and 5th August, 2016 between 10 am and 12 noon and, thereafter, as and when called.

9. The applicants shall not tamper with the prosecution evidence or influence the witnesses in any manner.

10. Criminal Application stands disposed of accordingly.

[N.W. SAMBRE]
JUDGE

arp/-