

(1)

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

CRIMINAL APPLICATION NO.3841 OF 2016

1. Dattaprasad s/o Shriramji Mantri,
Age : 55 years, Occu. Business,
2. Dhiraj s/o Dattaprasad Mantri,
Age : 28 years, Occu. Business,
3. Pooja d/o Dattaprasad Mantri,
Age : 26 years, Occu. Household,

All R/o Housing Society, Ambejogai,
Tq. Ambejogai, Dist. Beed

..APPLICANTS

VERSUS

The State of Maharashtra
Through Police Station,
Ambejogai (City) Dist. Beed

..RESPONDENT

Mr M.R. Jadhav, Advocate for applicants;
Mr A.S. Shinde, Addl. Public Prosecutor for respondent
Mr S.M. Vibhute, Advocate to assist Addl. Public Prosecutor

CORAM : N.W. SAMBRE, J.

DATE : 8th August, 2016

ORAL ORDER :

By the present application under section 438 of the Code of Criminal Procedure, the applicants seek their release on pre-arrest bail, in connection with C.R. No.286 of 2016, registered with Ambejogai (city) police station, Dist. Beed, for offences punishable under sections 326, 324, 323, 504, 506 read with section 34 of the Indian Penal Code.

(2)

2. The applicants and complainant are real brothers. Applicant no.1 is suffering from disability to the extent of 60%.

3. Apart from above, it is the prosecution story that there exists a civil dispute, in relation to the property between the complainant and the applicants, which has given rise to the offence in question.

4. Apart from delay of one day in lodging the first information report, this court can also take judicial note of registration of another crime, being C.R. No.293 of 2016, for an alleged incident dated 15th June, 2016, in which the complainant is shown to be one of the accused.

5. The injury certificate issued by Swami Ramanand Teerth Rural Medical College & Hospital clearly certifies that the complainant has suffered simple injuries.

6. Though the learned Counsel for the complainant has strenuously opposed the application through learned Addl. Public Prosecutor, on the ground that there are eye-witnesses and the nature of injuries is serious, still in view of what has been observed herein above, particularly existence of civil dispute, disability of applicant no.1 and counter first information report, in my opinion, the applicants are entitled to be released on bail, as their false implication cannot be ruled out. Thus, following order :-

(3)

In the event of arrest of the applicant, in connection with C.R. No.286 of 2016, registered with Ambejogai (city) police station, Dist. Beed, for offences punishable under sections 326, 324, 323, 504, 506 read with section 34 of the Indian Penal Code, they be released on bail, on each of them furnishing P.R. Bond of Rs.15,000/- with one surety in the like amount.

Till filing of charge-sheet, applicant no.1 Dattaprasad s/o Shriramji Mantri shall stay away from the jurisdiction of the concerned police station.

Criminal Application stands allowed in above terms.

(N.W. SAMBRE, J.)

amj