

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO. 3855 OF 2016

- 1] Bapu S/o Ananda Nikam,
Age 28 years, Occu.: Agri.,
R/o Loni (Kh), Tq. Vaijapur,
Dist. Aurangabad
- 2] Arun S/o Vasantryao Gore,
Age 28 years, Occu.: Agri.,
R/o Daskuli, Tq. Vaijapur,
Dist. Aurangabad
- .. Applicants

Vs.

The State of Maharashtra
Through the Police Inspector,
Shivoor Police Station,
Tq. Vaijapur, Dist. Aurangabad

.. Respondent

.....

Mr. R.R. Karpe, Advocate for the applicants
Ms. R.P. Gour, APP for the respondent-State

.....

CORAM : N.W. SAMBRE, J.
DATE : 03/08/2016

ORAL ORDER :

Heard.

2. The applicants are seeking regular bail in
Crime no. I-166 of 2015 registered at Shivoor Police
Station, Tq. Vaijapur, Dist. Aurangabad for the

offences punishable under section 307, 395, 323, 504, 506, 143, 147, 148, 149, 427, 435 of the Indian Penal Code and under section 3(1)(ii)(x)(xi), 3(2)(iii)(iv)(v) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

3. Learned counsel for the applicants submits that the investigation in the matter is already over as the chargesheet is filed and as such, their detention is not called for.

4. He would then submit that *prima facie* involvement of the applicants in the crime in question is under cloud and as such the applicants be released on regular bail.

5. Learned A.P.P. submits that the applicants are the main culprits in the crime in question and as such the application of the applicants be rejected.

6. Having perused the investigation papers, it

is required to be noted that in the crime in question, a mob is involved.

7. The other accused persons, who are similarly placed are already ordered to be released on regular bail.

8. So far as the applicants are concerned, the chargesheet does not depict any particular reason, which contemplates their further detention.

9. There are no criminal antecedents, so as to infer that the applicants are in habit of committing crime against the members of scheduled caste or scheduled tribe community.

10. The applicants own immovable property and as such are available for the prosecution. Hence, the Application is allowed.

11. The applicants be released on bail in Crime no.I-166 of 2015 registered at Shivoor Police Station, Tq. Vaijapur, Dist. Aurangabad for the

offences punishable under section 307, 395, 323, 504, 506, 143, 147, 148, 149, 427, 435 of the Indian Penal Code and under section 3(1)(ii)(x)(xi), 3(2)(iii)(iv)(v) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, upon their executing P.R. bonds in the sum of Rs.25,000/- (Rs. Twenty Five Thousand) each with one surety each in the like amount.

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

13. Criminal Application stands disposed of accordingly.

[N.W. SAMBRE]
JUDGE

arp/-