

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

914 CRIMINAL APPLICATION NO. 4006 OF 2016

UDDHAV S/O SHIVRAM WAVHALE & ORS.

VERSUS

THE STATE OF MAHARASHTRA

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Mr. P.N.Kalani, Advocate for Applicants.

Mr. S.B.Yawalkar, A.P.P. for Resp. – State.

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CORAM : A.M.BADAR, J.

DATE : 18th AUGUST, 2016

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PER COURT :

1. Heard. Perused papers of investigation.
2. It is seen that the present applicants/accused had also lodged report with police against the prosecuting party which is resulted in registration of Crime No. 164/2016 registered with Manwat police station, Tq. Manwat, Dist. Parbhani for the offence punishable U/ss 143,147,148,149,327,323,504 of the Indian Penal Code.

3. Informant Bhagwat Shinde, who is accused in Crime No. 163/2016, has alleged that the present applicants attempted to assault him by means of an axe and co-accused have assaulted him. He also alleged that accused persons have taken an amount of ₹ 1,200/- [Rupees One Thousand Two Hundred] and his gold ring.

4. It appears that this is cross F.I.R. Perusal of record of investigation goes to show that injured have suffered simple injuries in the alleged incident. *Prima facie* it is seen that the dispute arose because of obstruction to the right of way. Considering the back-ground in which the F.I.R. came to be lodged, pre-trial detention of the present applicants is not warranted and, therefore, the following order.

(i) The Order dated 26/07/2016 granting pre-arrest bail to applicant Nos. (1) Uddhav S/o Shivram Wavhale, (2) Subhadrabai @ Subabai W/o Uddhav Wavhale, (3) Savita w/o Sarjerao Wavhale, (4) Mangesh s/o Sarjerao Wavhale and (5) Sarjerao s/o Shivram Wavhale is confirmed on same terms and conditions.

(ii) In addition, the applicants shall not extend any threat, inducement or promise to the persons acquainted with the facts of the accusation so as to dissuade them from disclosing the same either to the police or the Court.

- (iii) The applicants shall not tamper the evidence of the prosecution in any manner.

[A.M.BADAR, J.]

KNP/Cr.Apln. 4180.2016