

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

**918 CRIMINAL APPLICATION NO. 4050 OF 2016
WITH
APPLN/4279/2016
IN
APPLN/4050/2016**

**PARMESHWAR S/O SARJERAO MASKE
& ORS.**

VERSUS

THE STATE OF MAHARASHTRA

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Mr. D.P.Palodkar, Advocate for Applicants.

Mr. A.S.Shinde, A.P.P. for Resp. – State.

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CORAM : A.M.BADAR, J.

DATE : 19th AUGUST, 2016

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PER COURT :

1. Learned counsel for the applicants submits that applicant No. 3 is juvenile, in conflict with law and is being dealt with appropriately. He further points out that applicant No. 4 is already arrested and, therefore, he do not want to press application, so far as applicant No. 4 is concerned.

2. Heard learned counsel for the applicants. He

argued that Ashabai w/o Bhagwat Maske from accused party has lodged F.I.R., which has resulted in registration of Crime No. 108/2016 against injured witness Anant. Learned counsel, therefore, submits that F.I.R. in question is concocted F.I.R. lodged for giving counter-blast.

3. Learned A.P.P. opposed the application.

4. According to the prosecution case, on 22/06/2016, accused persons including present applicant Nos. 1 and 2 have formed an unlawful assembly and indulged in rioting with common object of committing murder of informant Kailas and his brother Anant.

5. *Prima facie*, from the papers of investigation it is seen that applicant Nos. 1 and 2, who are prosecuting the instant application, were members of an unlawful assembly having common object of rioting for committing murder of the informant. The weapons held by the accused persons and seat of injuries inflicted on the informant and his brother are sufficient to come to this *prima facie* conclusion. The informant and his injured brother suffered fracture injuries in the incident. In this view of the matter, considering the nature of the crime committed by the applicants, no case for anticipatory bail is made out. Hence, the application is rejected.

6. In view of the disposal of the present application, Misc. Application, if any, stands disposed of.

7. Needless to mention that these observations are *prima facie* in nature having no bearing on the trial of the case against the present applicants.

[A.M.BADAR, J.]

KNP/Cr.Apln. 4050.2016