

Criminal Application No. 4107 of 2016

District : Aurangabad

1. Laxmibai w/o. Suresh Pimple,
Age : 40 years,
Occupation : Labour,
R/o. Sajapur,
Taluka & Dist. : Aurangabad.
2. Deepa w/o. Dadarao Pimple,
Age : 35 years,
Occupation : Labour / Household,
R/o. Ghanegaon,
Taluka : Gangapur,
Dist. : Aurangabad.

versus

The State of Maharashtra,
Through Police Station,
MIDC, Waluj, Dist. Aurangabad. .. Respondent.

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Mr. Rahul A. Tambe, Advocate, for applicants.

Mr. S.D. Ghayal, Addl. Public Prosecutor, for
the respondent.

Mr. Chetan T. Jadhav, Advocate, for the original complainant.

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CORAM : A.M. BADAR, J.

DATE : 23RD AUGUST 2016

ORAL ORDER:

Applicants / accused in Crime No. 298/2016, for offences punishable under Sections 307, 452, 143, 147, 148, 149 and 506 of the Indian Penal Code, registered with Police Station, MIDC, Waluj, Aurangabad, by this application, are seeking their release on bail.

2. Heard the learned Counsel for applicants / accused. He argued that now injured are already discharged from the hospital and as such, there is no possibility of aggravation of the charge levelled against them. The learned Counsel further submitted that applicants would abide by any condition imposed upon them while releasing them on bail. It is further argued that two accused persons in the same crime are already released on bail by the learned Addl. Sessions Judge, Aurangabad.

3. The learned Addl. Public Prosecutor opposed the application by contending that applicants are having criminal antecedents and in past, they have been convicted by the learned Judicial Magistrate (First Class), Aurangabad, in R.C.C. No. 654/2011. The crime in question is fallout of that conviction.

4. I have also heard the learned Counsel appearing for the informant.

5. Perused the FIR lodged by informant Rukhmanbai w/o. Hiranman Ubale on 18.06.2016. As per prosecution case, applicants and co-accused formed an unlawful assembly with common object of indulging in rioting and in prosecution of that common object, they had injured informant Rukhmanbai Ubale and her son Raju Ubale. The motive for commission of this offence is stated to be pressurizing the prosecuting party for compromising the earlier matter.

6. Perusal of injury certificate shows that Rukhmanbai had suffered fracture of femur bone whereas Raju had suffered blunt trauma. Investigation of the crime in question is virtually over. There is no apprehension by the prosecution that in the event of their release on bail, applicants would not be available for trial. Two accused persons are already released on bail. Criminal antecedents of the present applicants can be taken care of by imposing suitable condition.

7. Hence, I pass the following order :-

(a) The Application is allowed.

(b) Applicants / accused, in the above crime, be released on bail, on their executing P.R. Bond in the sum of Rs. 30,000/- each and on furnishing one or two

solvent sureties of the like amount by each of them.

(c) As a condition of this order, applicants shall not enter in the territorial jurisdiction of village Sanjapur in Taluka and District Aurangabad, till disposal of the trial of the offence in question, if any.

(d) Applicants shall not, directly or indirectly, make any inducement, threat or promise to any persons acquainted with the facts of the case so as to dissuade them from disclosing such facts either to the Court or to any police officer.

(e) Applicants shall not tamper with the prosecution evidence in any manner.

(f) Applicants shall not repeat commission of similar type of offences in future.

(A.M. BADAR)
JUDGE

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