

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

Criminal Application No. 4125 of 2016

District : Latur

Amjad s/o. Babu Pathan,
Age : 22 years,
Occupation : Education,
R/o. Samrat Chowk,
Wadar Galli, Latur,
Taluka & District : Latur. .. Applicant.

versus

The State of Maharashtra,
Through P.I.,
Shivajinagar Police Station,
Latur,
Taluka & District : Latur. .. Respondent.

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Mr. T.M. Venjane, Advocate, for the applicant.

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

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With

Criminal Application No. 4216 of 2016

District : Latur

Mangesh s/o. Deelip Sonkamble,
Age : 22 years,
Occupation : Education,
R/o. Labour Colony,
Holkar Nagar,
Latur,
Taluka & District : Latur. .. Applicant.

versus

The State of Maharashtra,
Through Police Inspector,
Shivajinagar Police Station,
Latur,
Taluka & District : Latur.

.. Respondent.

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Mr. R.D. Biradar, Advocate, for the applicant.

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

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With**Criminal Application No. 4768 of 2016**

District : Latur

Kailas s/o. Arvind Jadhav,
Age : 23 years,
Occupation : Gimtrainer,
R/o. Pangaon,
Taluka : Renapur,
District : Latur.

.. Applicant.

versus

The State of Maharashtra,
Through Shivajinagar
Police Station,
Latur,
Taluka & District : Latur.

.. Respondent.

.....

Mr. M.L. Dharashive, Advocate, for the applicant.

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

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CORAM : A.M. BADAR, J.

DATE : 7TH SEPTEMBER 2016

ORAL ORDER:

Applicants in these applications are accused in Crime No. 147/2016, for offences punishable under Sections 109, 114, 120B, 147, 148, 149, 307 of the Indian Penal Code, read with Section 135 of the Maharashtra Police Act, registered with Shivajinagar Police Station, Latur. By these applications, they are seeking their release on bail after filing of the charge-sheet.

2. Heard the learned Counsel appearing for applicants / accused. They argued that applicants are students and they are not having any criminal antecedents. The learned Counsel for applicants further argued that as investigation of the crime in question is over and as the injured has already been discharged from the hospital, further pre-trial detention of applicants is not warranted.

3. The learned Addl. Public Prosecutor opposed applications by contending that there is overwhelming evidence in respect of the crime in question against all applicants and as the offence is punishable with life imprisonment, applicants should not be released on bail.

4. Perused the charge-sheet including the FIR lodged by injured Aakash s/o. Annasaheb Hodade. According to the informant, on 30.03.2016, he had saved his friend Amar Shinde from assault at the instance of accused persons. The informant further reported that on 31.03.2016, all applicants and co-accused formed unlawful assembly and assaulted him by means of danger weapons.

5. During the course of investigation, recoveries are effected and seizures are made. Injury certificate of Aakash Hodade shows that he has suffered two incised wounds, two stab wounds and one contused lacerated wound. The learned Counsel for applicants, on instructions, submits that Aakash Hodade is discharged from the hospital long back and subsequently Crime No. 215/2016 is registered against him with Police Station, M.I.D.C., Latur, for offences punishable under Sections 327, 341, 323, 504, read with Section 34 of the Indian Penal Code.

6. Be that as it may, as investigation of the crime in question is over and as there is no possibility of applicants fleeing from the course of justice, there is no reason to deny bail to them.

7. Hence, I pass the following order :-

(a) Applications are allowed.

(b) Applicants / accused, in the above crime, be released on bail on their executing P.R. Bond in the sum of Rs. 15,000/- each and on furnishing one or more solvent sureties of the like amount by each of them.

(c) 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.

(d) Applicants shall not tamper with the prosecution evidence in any manner and shall cooperate the learned trial Judge in expeditious disposal of the trial against them.

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

8. Applications are disposed of in the aforesaid terms.

9. Parties to act on an authenticated copy of this order.

(A.M. BADAR)
JUDGE

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