

(1)

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

CRIMINAL APPLICATION NO. 4185 OF 2016

1. Kundan s/o Sadashiv Rathod,
Age: 39 years, Occu: Agriculture

2. Ukandrao s/o Mohanrao Jadhav,
Age: 37 years, Occu: Agriculture
& Social Work,

Both are R/o. Lokarwadi,
Tq. Mahur, Dist. Nanded

..APPLICANTS

VERSUS

1. The State of Maharashtra,
Through Police Station, Sindkhed,
Tq. Mahur, Dist. Nanded

2. The Superintendent of Police,
Nanded, Dist. Nanded

..RESPONDENTS

Mr S. J. Salunke, Advocate for applicants;
Mr S. D. Ghayal, Addl. Public Prosecutor for respondents

CORAM : N.W. SAMBRE, J.

DATE : 8th August, 2016

ORAL ORDER :

By the present application under section 438 of the Code of Criminal Procedure, the applicants seek their release on pre-arrest bail, in connection with C.R. No.21 of 2016, registered with police station, Sindkhed, Tq. Mahur, Dist. Nanded, for offences punishable under sections 307, 143, 147, 148, 149, 323, 504 and 506 of the Indian Penal Code.

2. Applicant no.1 Kundan is alleged to have assaulted the son-in-law of the complainant. Bhiku, the husband of the complainant was assaulted by the applicants and co-accused with sticks and stones, pursuant to the enmity in the elections.

(2)

3. Perused the investigation papers.
4. Apart from delay of two days in lodging the first information report, it is to be noted that applicant no.1 Kundan claimed to have assaulted Sushil, son-in-law of the complainant Rakhmabai. Perusal of the record does not depict that Sushil was referred for medical examination, so as to infer any injury suffered by him.
5. Apart from above, it is claimed that applicant no.2 Ukandrao along with other 2-3 persons assaulted Bhiku, who suffered head injury. The allegations in the first information report are general and no specific role is attributed to applicant no.2 Ukandrao.
6. Apart from above, reasons cited for delay in lodging the first information report are not convincing for the reason that in the first information report the complainant herself has claimed that her husband and son-in-law were very much accompanying her.
7. There is counter first information report against the son of Bhiku, at the behest of one of the accused Madhukar, lodged on 8th February, 2016, for offence punishable under section 363 of the Indian Penal Code.
8. In view thereof, false implication of the applicants, in the crime in question, cannot be ruled out. I, therefore, pass following order :-

In the event of arrest of the applicants, in connection with C.R. No.21 of 2016, registered with police station, Sindkhed, Tq. Mahur, Dist. Nanded, for offences punishable under sections 307, 143, 147, 148, 149, 323, 504 and 506 of the Indian Penal Code, they be released on bail, on each of them furnishing P.R. Bond of Rs.15,000/- with one surety in the like amount.

(3)

The applicants shall attend the concerned police station initially on 22nd and 23rd August, 2016, between 10.00 a.m. and 12 noon and thereafter as and when called by the Investigating Officer.

Criminal Application stands allowed in above terms.

(N.W. SAMBRE, J.)

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