

Criminal Application No. 4208 of 2016

.. Applicants.

.. Respondent.

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Mr. V.B. Jagtap, Advocate, for the original complainant.

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CORAM : A.M. BADAR, J.

DATE : 24TH AUGUST 2016

ORAL ORDER:

Heard the learned Counsel appearing for the applicant / accused. By pointing out the order passed by this Court in Criminal Application No. 3389 of 2016, the learned Counsel argued that main accused Rajendra s/o. Balasaheb Pawar, against whom allegations in the FIR by the victim were of causing fracture injury, was granted anticipatory bail by this Court on 01.07.2016. In this context, the learned Counsel for the applicant submits that there cannot be any reason to deny regular bail to present applicants.

2. The learned Addl. Public Prosecutor opposed the application by contending that there are eye witnesses to the incident in question.

3. The learned Counsel for the informant argued that co-accused Rajendra Pawar was attributed stick whereas iron rod is attributed to the present applicant.

4. Perused the FIR lodged by the informant who

is Deputy District Head of Shivsena Kisan Aaghadi and his wife is Member of the Panchayat Samiti. He alleged that when he was in the office of Panchayat Samiti, Gangapur, present applicant and co-accused formed an unlawful assembly and assaulted him. The informant had categorically stated that Rajendra Pawar had caused fracture injury to him. Said Rajendra Pawar is granted anticipatory bail by this Court.

5. So far as present applicant no.1 Umesh Bhawar, allegations are assault by means of iron rod. Injury certificate of the informant shows that he had suffered simple injuries. No specific role is attributed to applicant nos.2 and 3 in the crime in question.

6. Considering the fact that co-accused Rajendra is granted anticipatory bail, I see no reason to deny relief of regular bail to present applicants as even otherwise, the investigation is on the verge of completion and nature of injuries are simple.

7. Hence, I pass the following order :-

(a) The Application is allowed.

(b) Applicants / accused, in Crime No. 190/2016 for

offences punishable under Sections 307, 143, 147, 148, 149, 323 and 504 of the Indian Penal Code, registered with Police Station, Gangapur, District Aurangabad, 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.

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

8. The Application stands disposed of in the aforesaid terms.

(A.M. BADAR)
JUDGE

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