

Criminal Application No. 4294 of 2016

District : Beed

versus

The State of Maharashtra,
Through Police Inspector,
Police Station, Neknoor,
Taluka & District : Beed. .. Respondent.

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Mr. S.S. Thombre, Advocate, for the applicant.

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

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CORAM : A.M. BADAR, J.

DATE : 19TH AUGUST 2016

ORAL ORDER:

The applicant / accused in Crime No. 07/2016, for offences punishable under Sections 307, 323, 504, 506, 427, read with Section 34 of the Indian Penal Code, registered with Police Station, Neknoor, District Beed, by this application, is

praying for pre-arrest bail.

2. Heard the learned Counsel for the applicant / accused, so also, the learned Addl. Public Prosecutor for the respondent.

3. The learned Addl. Public Prosecutor argued that the applicant is involved in a serious offence punishable with life imprisonment as hurt was caused while attempting to commit murder of the informant.

4. Perused the charge-sheet. Informant Sayyad Aadam s/o. Sayyad Ajmad Ali reported that on 07.01.2016, present applicant along with co-accused rushed to his hotel and ransack his hotel apart from assaulting him, his father as well as prosecution witnesses.

5. Perused injury certificates of the informant, his father and other prosecution witnesses. Injuries suffered by the members of the prosecuting party are simple in nature. No doubt, for the offence punishable under Section 307 of the IPC, causing injury is not at all essential, but intention can be gathered from the nature of weapons used as well as size of injuries suffered by victims. In the case in hand, sticks and iron rods are attributed to accused persons including the present applicant. However, injuries suffered by prosecution

witnesses are simple in nature. In this context, applicability of Section 307 of the IPC will have to be seen during the trial. Without commenting much on this aspect, considering the nature of offence, as investigation is virtually over, custodial interrogation of the applicant is not warranted.

6. Hence, the following order :-

(a) The application is allowed.

(b) In the event of arrest of the applicant / accused, in the above crime, he be released on bail, on his executing P.R. Bond in the sum of Rs. 10,000/- and one or more solvent sureties of the like amount.

(c) As a condition of this order, the applicant / accused shall attend concerned Police Station on 30th August 2016, in between 11.00 a.m. and 01.00 p.m. and thereafter, as and when reasonably called by the Investigating Officer for the purpose of investigation.

(d) The applicant / accused shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of accusation against him so as to dissuade him / her from disclosing such facts either to the Court or to any police officer and that he shall not tamper with the

evidence.

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

(A.M. BADAR)
JUDGE

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