

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

Criminal Application No. 4331 of 2016

District : Osmanabad

Tanaji s/o. Sudhakar @ Sudam Devkar,
Age : 25 years,
Occupation : Education,
R/o. Karla, Taluka : Tuljapur,
District : Osmanabad.

.. Applicant.

versus

1. The State of Maharashtra.

2. Superintendent of Police,
District : Osmanabad.

.. Respondents.

With

Criminal Application No. 4332 of 2016

District : Osmanabad

Subash s/o. Vitthal Devkar,
Age : 54 years,
Occupation : Agriculture,
R/o. Karla, Taluka : Tuljapur,
District : Osmanabad.

.. Applicant.

versus

1. The State of Maharashtra.

2. Superintendent of Police,
District : Osmanabad.

.. Respondents.

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Mr. P.S. Koshti, Advocate, for applicants.

*Mr. S.B. Yawalkar, Addl. Public Prosecutor, for
respondent nos.1 and 2.*

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CORAM : A.M. BADAR, J.

DATE : 20TH AUGUST 2016

ORAL ORDER:

Applicants Tanaji Devkar and Subash Devkar, who are accused in Crime No. 70/2016, for offences punishable under Sections 143, 148, 149, 307, 323, 504 of the Indian Penal Code and under Section 135 of the Maharashtra Police Act, registered with Police Station, Naldurg, District Osmanabad, by these applications, are praying for anticipatory bail.

2. Heard the learned Counsel appearing for applicants. He argued that no specific role is attributed to both applicants in the crime in question. Applicant Tanaji Devkar is a student. Main accused has already been released on bail and, therefore, custodial interrogation of present applicants is not warranted.

3. The learned Addl. Public Prosecutor opposed applications by contending that eye witnesses are naming applicants as assailants and considering the nature of offence, applicants are not entitled for anticipatory bail.

4. Perused papers of investigation. Injury certificate shows that informant Sanjay Rathod had sustained two stab injuries on his abdomen. It is averred by informant Sanjay Rathod, that applicant Subash Devkar and his two sons, so also co-accused Sudam Devkar and his two sons had assaulted him. The informant has stated that Sudam Devkar had given blows of knife on his abdomen.

5. FIR lodged by Sanjay Rathod, so also statements of Prakash Reva Chavan, Savitabai Prakash Chavan and Savita Sanjay Rathod, prima facie shows that present applicants and co-accused had formed unlawful assembly with common object and they indulged in rioting. During the course of that transaction, Sudam Devkar had given blows of knife on injured informant. In this view of the matter, it cannot be said that applicants are not liable for any offence. Informant and other witnesses are stating that both applicants and co-accused had held the injured informant and as they made him immobile, co-accused Sudam Devkar gave blows of knife to him.

6. In an attempt to commit murder of the informant, hurt is caused to him. The offence alleged against applicants is punishable with life imprisonment. No case for anticipatory bail is made out.

7. Applications are accordingly rejected.

(A.M. BADAR)
JUDGE

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