

(1)

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

CRIMINAL APPLICATION NO. 4368 OF 2016

1. Ashruba s/o Kisan Parjane,
Age: 60 years, Occu: Agri.
2. Ajinath s/o Ashruba Parjane,
Age: 33 years, Occu: Service,
3. Pandit s/o Ashruba Parjane,
Age: 30 years, Occu: Agri.
4. Hanuman s/o Ashruba Parjane,
Age: 28 years, Occu: Agri.

All R/o. Khalapuri, Tq. Shirur(Kasar)
Dist. Beed

..APPLICANTS

VERSUS

The State of Maharashtra

..RESPONDENT

Mr Satej S. Jadhav, Advocate for applicants;
Mr A. S. Shinde, Addl. Public Prosecutor for respondent

CORAM : N.W. SAMBRE, J.

DATE : 10th August, 2016

ORAL ORDER :

Heard.

2. By this 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.89 of 2016, registered with Shirur (Kasar) police station, Dist. Beed, for offences punishable under sections 326, 324, 323, 506, 506 read with section 34 of the Indian Penal Code.

(2)

2. It is brought to my notice that in view of dispute in relation to possession of the agricultural land and differences between the parties, C.R. No.94 of 2016 is registered with Shirur (Kasar) police station against the complainant for offences punishable under sections 307, 324, 143, 147, 148, 149, 504, 506 of the Indian Penal Code and under section 25 (4) of the Arms Act.

3. Mr Jadhav, learned Counsel appearing on behalf of the applicants, in the background of the injury certificate, would urge that the only grievous injury suffered from the group of the complainant is to the wrist, which in any case, cannot be termed to be endangering the life of victim and as such, offence punishable under section 326 of the Indian Penal Code is not attracted.

4. Be that as it may, applicant no.3 has suffered grievous injuries and his ear is severed from the body, pursuant to the attack made by the complainant.

5. In the above background and having regard to existence of dispute in relation to immovable property, false implication of the applicants in the crime in question, cannot be ruled out.

(3)

6. In view thereof, in my opinion, it will be appropriate to order release of the applicants on pre-arrest bail. I, therefore, pass following order :-

In the event of arrest of the applicants, in connection with C.R. No.89 of 2016, registered with Shirur (Kasar) police station, Dist. Beed, for offences punishable under sections 326, 324, 323, 506, 506 read with section 34 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.

The applicants shall attend the concerned police station initially on 18th and 19th 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.)

amj