

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

4 CRIMINAL APPLICATION NO. 4427 OF 2016

**ARJUN S/O HARSINGH KATARI
& ANR.**

VERSUS

THE STATE OF MAHARASHTRA

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Mr. A.N.Nagargoje, Advocate for Applicants.

Ms. P.V.Diggikar, A.P.P. for Resp. – State.

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CORAM : A.M.BADAR, J.

DATE : 24th AUGUST, 2016

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PER COURT :

1. Applicants/accused in Crime No. 98/2016 registered at Sangamner City police station, Tq. Sangamner, Dist. Ahmednagar for the offences punishable U/ss 307,143, 147,148,149,323,336 of the Indian Penal Code at the instance of informant Savita w/o Ganesh Jedhe, by this application are praying for releasing them on bail in the event of their arrest.

2. Heard learned counsel for the applicants/accused. He argued that names of present applicants are not figured in

the F.I.R. lodged by the mother of victim. Subsequently, they are implicated in the crime in question at the instance of injured Aniket.

3. Learned A.P.P. opposed the application by contending that the injured Aniket has assigned main role to both the applicants in the crime in question.

4. Perused papers of investigation including F.I.R., statement of Aniket Jedhe and Injury certificate of Aniket. Learned A.P.P. accepts the fact that injury certificate of Aniket only is collected by the Investigating Officer, though in the F.I.R. it is averred that Ankush and Kunal Jedhe also suffered injuries in the crime in question.

5. Injured Aniket is son of informant Savita. Informant Savita reported on 18/04/2016 that at about 9.00 p.m. on 18/04/2016, her son Aniket returned to the house after playing cricket. When he again went out of the house, informant Savita heard his loud cry. She as well as her mother-in-law Keshar then rushed out of the house. They saw Arjun Suresh Katari, Karan Machhindra Katari, Sachin Pratap Katari, Manohar Shiva Jadhav and Gautam Katari assaulting her sons viz. Aniket, Ankush and Kunal Jedhe. Papers of investigation furnished by learned A.P.P. does not contain statement of another eye witness Keshar – grand mother of injured Aniket. Investigating Officer has recorded statements of several eye witnesses, who are also relatives of injured Aniket and informant Savita. Statement of Vijay Jedhe, Kunal

Jedhe, Santosh Jedhe who had witnessed the incident are not naming the applicants as assailants. However, injured Aniket on 22/05/2016 stated that apart from accused persons named by the informant as well as other witnesses, present applicants had also participated in the assault and had used iron rods for assaulting him. *Prima facie*, it is seen that injured Aniket had added embellishment to his version. As the informant and other eye witnesses, who had seen the incident are not disclosing the presence of applicants on the spot of incident, their custodial interrogation is not warranted. Hence, the following order.

- (i) The application is allowed.
- (ii) In the event of their arrest in Crime No. 98/2016 registered at Sangamner City police station, Tq. Sangamner, Dist. Ahmednagar for the offences punishable U/ss 307,143, 147,148,149,323,336 of the Indian Penal Code, applicant No. 1 Arjun s/o Harsingh Katari and applicant No. 2 Pralok s/o Kanhaiyalal Katari be released on bail on executing P.R. Bond of ₹ 5,000/- [Rupees Five Thousand] each and on furnishing surety in the like amount.
- (iii) As a condition of this Order, the applicants shall not extend any threat, inducement or promise to the persons acquainted with the facts of the accusation so as to dissuade them from disclosing the same either to the police or the Court.

(iv) The applicants shall not tamper the evidence of the prosecution.

(v) The applicants shall attend the concerned police station on 28/08/2016 and 04/09/2016 in between 11.00 a.m. and 1.00 p.m. and they should co-operate the Investigating Officer in the investigation of the crime in question.

[A.M.BADAR, J.]