

Criminal Application No. 4663 of 2016

.. Applicants.

.. Respondent.

DATE : 2ND SEPTEMBER 2016

Heard the learned Counsel appearing for

applicants / accused. On instructions, he makes a statement that all injured in the crime in question are already discharged from the hospital and there is no possibility of turning the offence to graver one. The learned Counsel further argued that the FIR lodged by accused persons was first in point of time whereas FIR lodged by the informant was after two days of the incident.

2. The learned Addl. Public Prosecutor opposed the application by submitting that all injured have suffered fracture injuries in the crime in question and as the offence is serious, applicants are not entitled for bail.

3. Perused papers of investigation.

4. Crime in question is registered on 17.05.2016 on the basis of statement recorded by Bandu Eknath Chormale while taking treatment at Saoji Hospital at Aurangabad. The incident in question happened on 15.05.2016. According to the prosecution case, accused persons including present applicants formed an unlawful assembly which was armed with deadly weapons, with an intention to indulge in riot and that unlawful assembly attempted to commit murder of informant Bandu Chormale, his brother Badam and father Eknath. Perusal of papers of investigation shows that all three victims of the crime in question

suffered fracture injury.

5. Perusal of papers of investigation prima facie shows that entire investigation qua present applicants appears to be over. As injured are stated to be discharged from the hospital and as the incident in question happened on 15.05.2016 i.e. more than three months back, further pre-trial detention of present applicants is not warranted.

6. Hence, I pass the following order :-

(a) The Application is allowed.

(b) Applicants / accused in Crime No. 202/2016, for offences punishable under Sections 307, 326, 143, 147, 148, 149, 341 of the Indian Penal Code and under Section 25 of the Arms Act, registered with Police Station, Gevrai, District Beed, 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, in the event of filing charge-sheet against them.

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

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

(A.M. BADAR)
JUDGE

.....