

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

Criminal Application No. 4698 of 2016

District : Hingoli

1. Vilas Nivruti Pole,
Age : 45 years,
Occupation : Agriculture,
R/o. Dhegaj,
Taluka : Aundha (Nagnath),
District : Hingoli.

2. Sanjay Vilas Pole,
Age : 25 years,
Occupation : Agriculture,
R/o. As above.

3. Prakash Nivruti Pole,
Age : 35 years,
Occupation : Agriculture,
R/o. As above.

.. Applicants.

versus

The State of Maharashtra,
Through Police Station,
Aundha (Nagnath),
Taluka : Aundha (Nagnath),
District : Hingoli.

.. Respondent.

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Mr. Shivprasad G. Jadhavar, Advocate, for applicants.

*Mrs. V.N. Patil (Jadhav), Addl. Public Prosecutor,
for the respondent.*

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CORAM : A.M. BADAR, J.

DATE : 2ND SEPTEMBER 2016

ORAL ORDER:

Applicants / accused in Crime No. 74/2015, for offences punishable under Sections 307, 324, 323, 504, 506, 143, 147, 148, 149, 337, read with Section 34 of the Indian Penal Code and under Section 135 of the Maharashtra Police Act, by this application, are seeking their release on bail.

2. Heard the learned Counsel appearing for applicants as well as the learned Addl. Public Prosecutor appearing for the respondent.

3. The learned Addl. Public Prosecutor opposed the application by contending that injury certificates of victims shows that they had suffered grievous injuries.

4. Perused the FIR. The incident in question occurred on 13.10.2015. Averments in the FIR lodged by Kailas s/o. Trimbak Chilgar shows that applicant Vilas Pole had assaulted him by means of stone, whereas applicant Prakash Pole had assaulted him by means of stick. It is also averred that applicants indulged in rioting.

5. Perusal of injury certificate shows that Vishwas Pole, one of the victims, had suffered fracture injury in the crime in question. He is

discharged from the hospital, as per statement made by the learned Counsel for applicants.

6. It appears that major portion of investigation in question is already over. In this view of the matter, pre-trial detention of applicants is not warranted.

7. Hence, I pass the following order :-

(a) The Application is allowed.

(b) Applicants / accused, in the above crime, 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 securities 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.

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

(A.M. BADAR)
JUDGE

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