

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

Criminal Application No. 5187 of 2016

District : Ahmednagar

Sandip s/o. Parasram Kote,
Age : 20 years,
Occupation : Labour,
R/o. Sant Nagar, Shirdi,
Taluka : Rahata,
District : Ahmednagar. .. Applicant.

versus

The State of Maharashtra,
Through Shirdi Police Station,
Taluka : Rahata,
District : Ahmednagar. .. Respondent.

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Mr. Narendra D. Sonavane, Advocate, for the applicant.

*Mr. S.M. Ganachari, Addl. Public Prosecutor, for
the respondent.*

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With

Criminal Application No. 5198 of 2016

District : Ahmednagar

Bhushan Mahindra More,
Age : 25 years,
Occupation : Labourer,
R/o. Sai Vitthal Nagar,
Shirdi, Taluka : Rahata,
District : Ahmednagar. .. Applicant.

versus

The State of Maharashtra,
Through Shirdi Police Station,
Taluka : Rahata,
District : Ahmednagar.

.. Respondent.

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*Mr. Shailesh S. Chapalgaonkar, Advocate, for the
applicant.*

*Mr. S.M. Ganachari, Addl. Public Prosecutor, for
the respondent.*

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CORAM : A.M. BADAR, J.

DATE : 27TH SEPTEMBER 2016

ORAL ORDER:

Applicants / accused in Crime No. I-71/2016 for offences punishable under Sections 143, 147, 148, 149, 307, read with Section 34 of the Indian Penal Code and under Section 4/25 of the Arms Act as well as under Sections 37 and 135 of the Maharashtra Police Act, registered with Police Station, Shirdi, Taluka Rahata, District Ahmednagar, by these applications, are seeking their release on bail after filing of the charge-sheet.

2. Heard the learned Counsel appearing for applicants / accused. They argued that injuries suffered by the victim are simple in nature. It is further argued that the investigation is complete and

the trial will take its own course. Therefore, according to the learned Counsel appearing for applicants, further pre-trial detention of applicants is not warranted.

3. The learned Addl. Public Prosecutor opposed the application by contending that applicant Bhushan More has criminal antecedents. He further argued that there are several eye witnesses to the crime in question. According to the learned Addl. Public Prosecutor, applicant Sandip Kote was having no concern whatsoever with the ongoing quarrel, still he intervened and called his associates to commit the crime. Hence, according to the learned Addl. Public Prosecutor, no case for bail is made out.

4. Perused the charge-sheet. The prosecution case as reflected from the charge-sheet is to the effect that there was quarrel between rickshaw-walas at Bhakti Niwas, Shirdi. Informant Shoeb s/o. Khalil Pathan intervened in that quarrel and pacified the quarreling persons. Feeling aggrieved about that, applicant Sandip Kote questioned Shoeb Pathan as to why he intervened and pacified the quarrel. According to the prosecution case, applicant Sandip Kote called his associates including Bhushan More. They all then assaulted informant Shoeb Pathan. During the course of that assault, according to the prosecution case, applicant Bhushan More gave a blow

of knife on informant Shoeb Pathan.

5. Now investigation of the crime in question is over and the charge-sheet is filed. Perusal of the injury certificate shows that informant Shoeb Pathan had suffered one incised wound over his back and the same is reported to simple in nature by the Medical Officer. True it is that applicant Bhushan More has criminal antecedents but care thereof can be taken by imposing certain conditions on him and the learned Counsel appearing for the said applicant volunteered in the matter by stating that the said applicant would stay out of the territorial jurisdiction of Rahata Taluka during pendency of the trial against him.

6. Hence, I pass the following order :-

(a) Both Applications are allowed.

(b) Accused / applicants in the above crime be released on bail on their executing P.R. Bond in the sum of Rs. 25,000/- each and on furnishing one or more solvent sureties of the like amount by each of them.

(c) As a condition of this order, applicant Bhushan More shall remain out of territorial limits of Rahata Taluka till conclusion of the trial against him.

(d) As conditions of this order, both applicants shall abide by the following directions :-

(i) 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.

(ii) Applicants shall not tamper with the prosecution evidence in any manner and shall cooperate the learned trial Judge in expeditious disposal of the trial against them.

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

7. Applications stand disposed of in the aforesaid terms.

(A.M. BADAR)
JUDGE

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