

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

Criminal Application No. 5211 of 2016

District : Ahmednagar

Manoj s/o. Viviak Vaidya,
Age : 20 years,
Occupation : Education,
R/o. Athiti Colony, Ward No.1,
Shrirampur,
Taluka : Shrirampur,
District : Ahmednagar. .. Applicant.

versus

The State of Maharashtra,
Through Shrirampur City
Police Station, Shrirampur. .. Respondent.

.....

Mr. Rahul A. Tambe, Advocate, for the applicant.

*Mr. S.D. Ghayal, Addl. Public Prosecutor, for the
respondent.*

.....

With

Criminal Application No. 5216 of 2016

District : Ahmednagar

Mohan s/o. Gulab Adangale,
Age : 35 years,
Occupation : Business,
R/o. Ward No.6, Shrirampur,
Taluka : Shrirampur,
District : Ahmednagar. .. Applicant.

versus

The State of Maharashtra,
Through Shrirampur City
Police Station, Shrirampur. .. Respondent.

.....

Mr. Rahul A. Tambe, Advocate, for the applicant.

*Mr. S.D. Ghayal, Addl. Public Prosecutor, for the
respondent.*

.....

With

Criminal Application No. 5337 of 2016

District : Ahmednagar

1. Dipak Bhimaji Sanap,
Age : 20 years,
Occupation : Education,
R/o. Behind Janta High School,
Ward No.7,
Taluka : Shrirampur,
District : Ahmednagar.
2. Lakhan Prakash Makheja,
Age : 26 years,
Occupation : Business,
R/o. Laxminarayan Nagar,
Ward No.1,
Taluka : Shrirampur,
District : Ahmednagar.
3. Sandy @ Sandip Ashok Pawar,
Age : 27 years,
Occupation : Business,
R/o. Sutgirni Road,
Renuka Nagar,
Taluka : Shrirampur,
District : Ahmednagar. .. Applicants.

versus

The State of Maharashtra,
Through Police Inspector,
Police Station, Shrirampur City,
District : Ahmednagar. .. Respondent.

.....

Mr. Kunal A. Kale, Advocate, for applicants.

*Mr. S.D. Ghayal, Addl. Public Prosecutor, for the
respondent.*

.....

CORAM : A.M. BADAR, J.

DATE : 15TH OCTOBER 2016

ORAL ORDER:

Applicants / accused in Crime No. I-210/2016 registered with Shrirampur City Police Station, Taluka Shrirampur, District Ahmednagar, for offences punishable under Sections 307, 143, 147, 148, 149, 323, 504 and 506 of the Indian Penal Code, by these applicants are seeking their release on bail.

2. Heard the learned Counsel appearing for respective applicants / accused. The learned Counsel appearing for applicants / accused argued that necessary investigation is already over and considering nature of injuries suffered by the alleged victim of the crime in question, further pre-trial detention of applicants is not warranted.

3. The learned Addl. Public Prosecutor opposed applications by contending that nature and circumstances in which the crime in question took place needs to be considered and in the case in hand, the offence allegedly took place when the informant had been to the court for attending the court proceedings.

4. I have considered the rival submissions and papers of investigation. According to the prosecution case, as reflected from the FIR lodged by Kishor s/o. Tukaram Gangawane as well as statements of eye witnesses, all accused persons formed an unlawful assembly with a common object of committing murder of members of the prosecuting party and in that process, when the informant and his associates came out of the court at Shrirampur, they were assaulted by accused persons. It is alleged that applicant Dipak Sanap used knife in the incident, whereas other accused persons assaulted members of the prosecuting party by means of fist and kick blows as well as wooden logs.

5. Informant Kishor Gangawane has suffered incised wound on his right palm which is reported to be simple in nature, whereas another Vikas s/o. Bhanudas Gore has suffered contusion. Nature of injuries suffered by victims prima facie indicates

intention. Necessary investigation of the crime in question is already over and therefore further pre-trial detention of applicants is not warranted.

6. Hence, I pass the following order :-

(a) 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 conditions of this order, all applicants in these applications shall abide by the following directives :-

(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, in the

(6)

Cri. Appln. No. 5211, 5216 &
5337 of 2016

event of filing charge-sheet, if any,
against them.

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

(d) Applications stand disposed of in the above
terms.

(A.M. BADAR)
JUDGE

.....