

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

Criminal Application No. 5245 of 2016

District : Aurangabad

1. Avinash s/o. Abasaheb More,
Age : 21 years,
Occupation : Agriculture,
R/o. Katpur,
Taluka : Paithan,
District : Aurangabad.

2. Babasaheb s/o. Kaduji Khadsan,
Age : 24 years,
Occupation : Driver,
R/o. Wahegaon,
Taluka : Paithan,
District : Aurangabad.

.. Applicants.

versus

1. The State of Maharashtra.

2. The Police Station In-charge,
M.I.D.C. Paithan Police
Station, Taluka : Paithan,
District : Aurangabad.

.. Respondents.

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*Mr. Vijay B. Jogdand Patil & Mr. Sachin S. Shinde,
Advocates, for applicants.*

*Mr. S.M. Ganachari, Addl. Public Prosecutor, for
respondent nos.1 and 2.*

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CORAM : A.M. BADAR, J.

DATE : 6TH OCTOBER 2016

ORAL ORDER:

By this application under Section 438 of the Code of Criminal Procedure, applicants / accused in Crime No. 154/2016 for offences punishable under Sections 326, 452, 143, 147, 148 and 149 of the Indian Penal Code, registered with MIDC Paithan Police Station, Taluka Paithan, District Aurangabad, are claiming pre-arrest bail.

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

3. The learned Addl. Public Prosecutor argued that by entering into the house of informant Ganesh s/o. Balchand Galdhar, accused persons including present applicants had assaulted informant Ganesh Galdhar and he had suffered injuries in the incident in question.

4. Perused papers of investigation. Main accused Dhananjay Eknath More is already granted anticipatory bail by the learned Addl. Sessions Judge. Averments are regarding assault by Dhananjay More. Applicants are not named in the FIR. Record of investigation shows that they are names by co-accused. Perusal of the injury certificate shows that informant Ganesh Galdhar had suffered simple injuries.

5. In this view of the matter, custodial interrogation of applicants is not warranted as prima facie they had not participated in the assault.

6. Hence, I pass the following order :-

(a) The Application is allowed.

(b) Applicants / accused in the above crime, in the event of their arrest, 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, on the following conditions :-

(i) Applicants shall attend the concerned Police Station on 17th October 2016 in between 11.00 a.m. and 01.00 p.m. and they shall cooperate the investigator in investigation of the crime in question.

(ii) 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.

(iii) Applicants shall not tamper with the prosecution evidence in any manner.

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

(A.M. BADAR)
JUDGE

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