

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

**CRIMINAL APPLICATION NO. 5314 OF 2016
WITH**

CRIMINAL APPLICATION NO. 5315 OF 2016

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CRIMINAL APPLICATION NO. 5314 OF 2016

1. Tushar s/o. Annasaheb Walunj .. Applicants
Age.18 years, Occ. Education in 2nd
year Amrutvahini Engineering College,
at Marutnagar, Sangamnagar Town,
Tq. Sangamner, Dist. Ahmednagar.
(Permanent Resident at Aurangpur,
Tq. Akole, Dist. Ahmednagar)
2. Viki @ Omkar Santosh Naikwadi
Age. 20 years, Occ. Education in 2nd
Year Amrutvahini Engineering College
at Amrutnagar, Sangamner Town,
Tq. Sangamner, Dist. Ahmednagar
(Permanent Resident at Dhumal Wadi
Road, Tq. Akole, Dist. Ahmednagar)

Versus

The State of Maharashtra .. Respondent

WITH

CRIMINAL APPLICATION NO. 5315 OF 2016

Yogesh s/o. Vikas Navale
Age. 21 years, Occ. Education in 2nd
year Amrutvahini Engineering College,
at Marutnagar, Sangamnagar Town,
Tq. Sangamner, Dist. Ahmednagar.
(Permanent Resident at Navalewadi,
Tq. Akole, Dist. Ahmednagar)

Versus

The State of Maharashtra

.. Respondent

Mr.V.R. Dhorde, Advocate for the applicants.

Mr.A.S. Shinde, APP for respondent/State.

CORAM : A.M. BADAR,J.

DATED : 19.10.2016

P.C. :-

1. Three applicants in these applications are accused in Crime No.227 of 2016, registered with Sangamner City Police Station, Dist. Ahmednagar, for offences punishable under sections 307, 143, 147, 148, 149, 323, 504, 506 of the Indian Penal Code. By this application, they are seeking their release on bail.

2. Heard learned Counsel appearing for applicants. He argued that all applicants are students taking education and they are behind the bar in this crime since August,2016. He further argued that necessary investigation is already over and formality of filing the charge-sheet is remained.

3. Learned A.P.P. opposed the application by contending that the crime in question is serious and as such applicants are not entitled for bail.

4. Considered the rival submissions and perused

papers of investigating including the F.I.R. lodged by Chaitanya Mandlik. According to the prosecution case, informant Chaitanya Mandlik and his friend Rahul Ahirrao had been to Jammu Punjab Dhaba (eatery) for taking dinner on 24.08.2016. When they were sitting in their car outside that Dhaba (eatery), one person came there and threatened them. Thereafter, that person called his associates. According to the prosecution case, then in a Maruti Car 4-5 persons came there armed with wooden logs. They assaulted informant Chaitanya Mandlik and his friend Rahul Ahirrao. According to the prosecution case, one of them had stabbed Rahul Ahirrao.

5. The prosecution case reflects that applicant Yogesh Navale and Viki alias Omkar had assaulted the informant and his friend Rahul Ahirrao by means of wooden logs. Name of the applicant - Tushar is not stated in the F.I.R. But he appears to be one from two unknown persons accompanying accused.

6. Considering the role attributed to the present applicants in the crime in question and as necessary investigation qua present applicants is already over, their further pre-trial detention in the light of the fact that they are students, is not warranted. Hence, the order :-

O R D E R

- i) The application is allowed.
- ii) Applicants/accused – Tushar s/o. Annasaheb Walunj, Viki @ Omkar Santosh Naikwadi and Yogesh s/o. Vikas Navale in Crime No. 227 of 2016, registered with Sangamner City Police Station, Dist. Ahmednagar, for the offence punishable u/s 307, 143, 147, 148, 149, 323, 504, 506 of the Indian Penal Code, be released on bail on executing P.R.Bond of Rs.20,000/- [Rupees Twenty Thousand] and on furnishing surety in the like amount, by each of them.
- iii) As a condition of this Order, applicants shall not extend any threat, inducement or promise to the persons acquainted with the facts of the accusation so as to dissuade them from disclosing the same either to the police or the Court.
- iv) Applicants shall not tamper the evidence of the prosecution.
- v) Applicant to co-operate the trial Court in the expeditious disposal of trial against them on filing of charge-sheet, if any.

[A.M. BADAR, J.]