

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

CRIMINAL APPLICATION NO. 5341 OF 2016

Ajay s/o. Ratnakar Makasare .. Applicant
Age. 47 years, Occ. Self employed,
R/o. House No.768,
Kothla Stand – Aurangabad Road,
Dist. Ahmednagar.

Versus

The State of Maharashtra .. Respondent

Mr.N.V. Gaware, Advocate for the applicant.
Mr.S.B. Yawalkar, APP for respondent/State.

**CORAM : A.M. BADAR,J.
DATED : 04.10.2016**

P.C. :-

1. Applicant/accused – Ajay s/o. Ratnakar Makasare, in Crime No.82 of 2016, registered with Ambhora Police Station, Tq. Ashti, Dist. Beed, for the offences punishable under sections 143, 147, 148, 149, 307, 326, 323, 504, 506 of the Indian Penal Code and under sections 3, 7 (a), 25 of the Arms Act, by this application is seeking his release on bail.

2. Heard learned Counsel for the applicant/accused. He argued that the injured are already discharged from the hospital. Name of the applicant is not figured in the F.I.R.

3. Learned A.P.P. has opposed the application contending that the crime in question is serious and injured were assaulted by co-accused as well as present applicant.

4. Perused the F.I.R. lodged by the injured Anil Maske. He averred that he and his associate Rajendra Maske were to recover their salary from co-accused Sharma and Babushet Tayerwale. Therefore, they called Babushet Tayerwale, Kiran Posore, Yogesh Mutkule. It is further averred that when informant and his associates Rajendra, Udhav, Tukaram had been to Shani Mandir. Babu Tayerwale pointed country made revolver on the head of the informant Anil Maske. Thereafter, accused Kiran and Yogesh assaulted him by means of iron rod; whereas rest of the accused persons have assaulted by means of hockey stick. It is further averred that when Rajendra came to rescue informant- Anil Maske, co-accused Babu Tayerwale fired a gun shot and assaulted informant by means of iron rod. The F.I.R. does not contain name of the present applicant. Learned A.P.P. has drawn my attention to statement of some witnesses. However, those statements are recorded belatedly in the month of July, 2016. Learned counsel for the applicant has made statement, on instructions, that injured are already discharged from

the hospital as such there is no possibility of aggravation of offence.

5. In this view of the matter, further custodial detention of the applicant is not warranted. Hence, following order :-

O R D E R

i) The application is allowed.

ii) Applicant/accused – Ajay s/o. Ratnakar Makasare, in Crime No.82 of 2016, registered with Ambhora Police Station, Tq. Ashti, Dist. Beed, for the offences punishable under sections 143, 147, 148, 149, 307, 326, 323, 504, 506 of the Indian Penal Code and under sections 3, 7 (a), 25 of the Arms Act, be released on bail on executing P.R.Bond of Rs. 25,000/- [Rupees Twenty Five Thousand] and on furnishing surety in the like amount.

(iii)As a condition of this Order, the applicant 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.

(4)

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(iv) The applicant shall not tamper the evidence of the prosecution.

[A.M. BADAR, J.]

snk/2016/OCT16/cria5341.16