

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

CRIMINAL APPLICATION NO.5528 OF 2015

1. Vijay Gajendra Bhosle,
2. Bharat Bajrang Mahadik,
3. Avinash Bhujang Deshmukh,
4. Laxman Bajrang Mahadik
Deleted (dismissed as per Hon'ble
Court's order dt. 14.10.2015)
5. Akshay Vijay Bhosle,

All R/o. Dekhari, Tq. Tuljapur,
District Osmanabad.

...Applicants

versus

State of Maharashtra,
through Tuljapur Police Station,
Tq. Tuljapur, Dist. Osmanabad.

...Respondent

.....
Mrs. Rashmi S. Kulkarni, Advocate h/f Mr. S.S. Kulkarni, Advocate
for applicants
Mr. S.Y. Mahajan, A.P.P. for respondent
.....

WITH

CRIMINAL APPLICATION NO.5715 OF 2015

Shivaji s/o Abhiman Bhalekar,
Age: 31 years, Occ: Agri.,
R/o. Dekhari, Tq. Tuljapur,
District Osmanabad.

...Applicant

versus

State of Maharashtra,
through Tuljapur Police Station,
Tq. Tuljapur, Dist. Osmanabad.

...Respondent

.....
Mrs. Rashmi S. Kulkarni , Advocate h/f Mr. D.B. Rode, Advocate for
applicant

Mr. S.Y. Mahajan, A.P.P. for respondent

.....

CORAM : N.W. SAMBRE, J.

DATE : 6th JANUARY, 2016

ORAL ORDER :

The applicants are seeking pre-arrest bail in Crime No. 212 of 2015 registered at Tuljapur Police Station, District Osmanabad for the offence punishable under Sections 143, 147, 148, 149, 307, 323, 504 and 506 of Indian Penal Code.

2. Learned Counsel for the applicants would urge that there are sweeping allegations against the applicants and role attributed to each of them is not very specific. According to her, intention of commission of crime cannot be inferred, particularly in the matter of serious offence from the accusations in the F.I.R. According to her, custodial interrogation of the applicants is not necessary and the incident has occurred out of election for the post of Sarpanch, as such, in the background of political rivalry, offence came to be registered against them.

3. Learned A.P.P., opposed the application by relying upon the medical evidence, statement of witnesses and discovery.

4. Having perused the contents of the F.I.R. and the material as is collected during the investigation, it is to be noted that the applicants alleged to have used sticks while committing crime in question. The investigation papers speak of simple injury on the leg below knee and so far as applicant Shivaji is concerned, he alleged to have assaulted the complainant by fist and kick blows.

5. In view of above, it will be appropriate, in my opinion, to order the release of the applicants. Hence, the following order:-

In the event of arrest, the applicants be released on bail, in connection with Crime No. 212 of 2015 registered at Tuljapur Police Station, District Osmanabad for the offence punishable under Sections 143, 147, 148, 149, 307, 323, 504 and 506 of Indian Penal Code, on executing P.R. bond of Rs.15,000/- with one surety in the like amount, by each of them. They shall attend the concerned police station daily for three days i.e. 18/01/2016, 19/10/2016 and 20/01/2016 between 10-00 a.m. to 11-00 a.m. and thereafter as and when called by the Investigating Officer.

5. Both the applications are allowed in above terms.

[N.W. SAMBRE, J.]