

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

CRIMINAL APPLICATION NO. 5605 OF 2016

1. Shri Dnyaneshwar Bhanudas Jadhav .. Applicants
Age. 57 years, Occ. Agri.,
R/o. Turkabad, Tq. Gangapur,
Dist. Aurangabad.

2. Shri Gajanan Dnyaneshwar Jadhav,
Age. 30 years, Occ. Agri.,
R/o. Turkabad, Tq. Gangapur,
Dist. Aurangabad.

[Application of applicant Nos.1 & 2
is already rejected vide order
dated 06.10.2016]

3. Shri Ramhari Dnyaneshwar Jadhav
Age. 28 years, Occ. Agri.,
R/o. Turkabad, Tq. Gangapur,
Dist. Aurangabad.

Versus

The State of Maharashtra .. Respondent

Mr.R.B. Dhakane, Advocate for the applicant.
Mr.S.P. Sonpawale, A.P.P. for respondent/State.

**CORAM : A.M. BADAR,J.
DATED : 19.10.2016**

P.C. :-

1. After rejection of application of applicant Nos. 1 & 2, applicant No.3 - Ramhari Dnyaneshwar Jadhav, an accused in Crime No. 231 of 2016, registered with Waluj Police Station, Dist. Aurangabad, for offences punishable under sections 323, 504, 506, 354 read with 34 of the Indian Penal Code and under section 3 (1)(5), 3 (I) (ii) and 11 of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, is prosecuting this application for releasing him on bail, in the event of his arrest in the said crime.

2. Heard learned Counsel for the applicant and learned A.P.P.

3. Learned A.P.P. is not disputing the fact that there is no eye-witness to the incident in question and the F.I.R. does not reflect name of the present applicant as one of the accused persons who had abused the informant in the caste name.

4. In this view of the matter, I see no reason to deny the relief under section 438 of the Cr.P.C. to the present applicant. Therefore, the following order :-

(3)

cria5605.16

5. Ad-interim order dated 6th October, 2016 is confirmed on the same terms and conditions.

6. The application is disposed of accordingly.

[A.M. BADAR, J.]

snk/2016/OCT16/cria5605.16