

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

CRIMINAL APPLICATION NO. 5990 OF 2015

Sukhdeo Ramrao Sapkal,
Age : 52 years, Occu. Agril,
R/o. Mhasla (Khurd),
Tq. Sillod, Dist. Aurangabad.

... Applicant

VERSUS

The State of Maharashtra.

... Respondent

.....
Mr Abhaysinh K. Bhosale, Advocate for applicant
Mr S. J. Salgare, APP for respondent/State
Mr S. K. Chavan, Advocate to assist PP
.....

CORAM : **N. W. SAMBRE, J.**

DATE : **5TH JANUARY, 2016.**

PER COURT:

. The applicant herein is seeking pre-arrest bail in Crime No. I-125 of 2015 registered with Sillod Rural Police Station for the offences punishable under Sections 307, 354, 354(a), 354(a)(I)(1)(2) (4), (II) (III) 354 (b) 354(5) (7)(1) (II) of the Indian Penal Code.

2. It is not in dispute that the applicant, complainant and her husband contested the election of village panchayat. The applicant

and the complainant got elected and the complainant thereafter became Sarpanch of the village panchayat. The applicant has defeated the husband of the complainant in the said election.

3. It is the case of the applicant that in the above referred background the applicant herein is falsely implicated in the crime in question. In addition, he would urge that at the behest of the applicant Crime No. 126 of 2015 punishable under Sections 395, 427 came to be registered on the very same day i.e. 27th September, 2015. It is the case of the applicant that, in view of the political enmity he has been falsely implicated and as such sought bail in the matter.

4. The learned APP while strongly opposing the application would urge that, during the investigation sufficient evidence has been brought on record particularly in the matter of the statement recorded of the eye-witnesses. He would then urge that the allegations in the FIR matches with that of the medical report and as such according to him there is a *prima facie* case against the applicant.

5. The complainant also assisted the prosecution in opposing the bail application.

6. In the above referred background, admittedly there exists political enmity between the applicant and the complainant. Bare perusal of the FIR depicts that it is claimed by the complainant that incident in question has occurred at a public place i.e. Dargah. It is really hard to believe that the incident has occurred at a place like Dargah which is generally visited by number of people.

7. Even though there is medical evidence available on the record, however in the above referred background, the incident in question seems to have occurred particularly in the background of political enmity. In view thereof, it will be appropriate to order release of applicant. Hence, I proceed to pass the following order.

ORDER

- (i) In the event of his arrest in Crime No. I-125 of 2015 registered with Sillod Rural Police Station for the offences punishable under Sections 307, 354, 354(a), 354(a)(I)(1) (2)(4), (II) (III) 354 (b) 354(5) (7)(1) (II) of the Indian Penal Code, the applicant be released on bail on his furnishing P.R. bond Rs. 25,000/- (Rupees Twenty Five Thousand) with one surety in the like amount.

- (ii) The applicant shall not tamper with the prosecution evidence.
 - (iii) The applicant shall attend the concerned Police Station on 12th, 13th and 14th January, 2016 between 10.00 a.m. and 12.00 noon and thereafter as and when called by the Investigating Officer.
 - (iv) The applicant shall keep himself away from the jurisdiction of Sillod Rural Police Station till filing of the charge-sheet, but for attending the village Panchayat meetings.
8. Criminal Application stands allowed in above terms.

[N. W. SAMBRE]
JUDGE

sgp