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

CRIMINAL APPLICATION NO.6205 OF 2016

1. Sagar s/o Ramchandra Salve,
Age : 28 years, Occ. Education,
R/o Wakod, Tal. Jamner,
Dist. Jalgaon
 2. Shankar s/o Ramchandra Salve,
Age : 26 years, Occ. Education,
R/o Wakod, Tal. Jamner,
Dist. Jalgaon
- ..APPLICANTS

VERSUS

The State of Maharashtra ..RESPONDENT

Mr S.D. Hiwrekar, Advocate for applicants;
Mr A.D. Namade, Addl. Public Prosecutor for respondent

**WITH
CRIMINAL APPLICATION NO.6126 OF 2016**

1. Pravin s/o Madhukar Borade,
Age : 27 years, Occu. Agri.,
 2. Arun s/o Madhukar Borade,
Age : 25 years, Occu. Agri.
- Both R/o Wakod, Tq. Jamner,
Dist. Jalgaon
- ..APPLICANT

VERSUS

The State of Maharashtra,
Through Pahur Police Station,
Tq. Jamner, Dist. Jalgaon

..RESPONDENT

Mr S.R. Dheple, Advocate for applicant;
Mr A.D. Namade, Addl. Public Prosecutor for respondent

CORAM : A.S. CHANDURKAR, J.

DATE : 19th December, 2016

ORAL ORDER

Since applicants in both the applications apprehend their arrest, in C.R. No.68 of 2016, registered at Police Station, Pahur, Dist. Jalgaon, for offences punishable under Sections 306, 323, 324, 504, 506 read with Section 34 of the Indian Penal Code, they are being decided together by this common order.

2. As per the first information report, one Trimbak Salve had reported that on 19th September, 2016, at about 9.30 a.m., when his son Nilesh was in the agricultural field, present applicants and two others had gone there and had given threats and assaulted his son. On that count, his son consumed some poison and he died on 20th September, 2016. On that basis, present crime came to be registered at about 9.35 p.m. on the same day.

3. It is submitted by the learned Counsel for the applicants that initially on 5th July, 2016 one of the accused Ramchandra had sought to register a crime against the informant Trimbak, but said report was treated as a non-cognizable offence. Thereafter, on 7th July, 2016 said Trimbak lodged another report with regard to offence under Sections 323 and 324 of the Indian Penal Code. It is submitted that there is no question of threatening the informant's son in any manner whatsoever, especially by the applicants in Criminal Application No.6126 of 2016 as they were not concerned with the earlier offence. It is further submitted that statement of Nilesh was not recorded though he was under treatment for the entire day. The aspect of

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abetment is also missing. It is, therefore, prayed that applicants be granted protection.

4. I have perused the documents placed on record along with the papers of earlier offences. The first offence reported on 5th July, 2016 by Ramchandra Salve is treated as a non-cognizable offence. The second report dated 7th July, 2016 is with regard to offences under Sections 323 and 324 of the Indian Penal Code, both of which are bailable in nature. The informant Trimbak has not reported of any such threats being given by the applicants to withdraw his complaint dated 7th July, 2016, but instead, it is stated that his son was being threatened. The aspect of abetment at the instance of present applicants also does not *prima facie* appear in the first information report. Considering the aforesaid facts, I am inclined to continue the interim protection granted by this Court.

5. In view of aforesaid, in the event of applicants' arrest, in connection with C.R. No.68 of 2016, registered at Police Station, Pahur, Dist. Jalgaon, for offences punishable under Sections 306, 323, 324, 504, 506 read with Section 34 of the Indian Penal Code, they shall be released on bail, on each of them furnishing P.R. Bond of Rs.15,000/- with one surety in the like amount.

(i) The applicants shall attend the concerned police station on 29th December, 2016 and thereafter as per directions of the Investigating Officer.

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(ii) No steps be taken to influence the prosecution witnesses.

(iii) The applicants shall co-operate with the Investigating Officer.

6. Observations made in this order are only for deciding the present applications. Same are allowed and disposed of.

(A.S. CHANDURKAR, J.)

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