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

CRIMINAL APPLICATION NO.6262 OF 2016

Shri. Ramesh s/o Maroti Argade,
Age: 27 years, Occ: Agri.,
R/o. Waluj, Tal. Gangapur,
Dist. Aurangabad (Maharashtra) ..APPLICANT

VERSUS

The State of Maharashtra,
At the instance of
Waluj Police Station,
Aurangabad. ..RESPONDENT

Mr A.M. Ostwal, Advocate for applicant;
Mr R.V. Dasalkar, Addl. Public Prosecutor for
respondent

CORAM : A.S. CHANDURKAR, J.

DATE : 25th NOVEMBER, 2016

ORAL ORDER :

Heard.

2. The applicant seeks his release on bail on parity, pursuant to his arrest on 29th September, 2016 in connection with Crime No. 147 of 2016 registered at Waluj Police Station, Taluka Gangapur, District Aurangabad for offences

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punishable under Sections 143, 147, 148, 149 and 307 of the Indian Penal Code.

3. As per report dated 13th June, 2016, the applicant and others had attacked the informant with wooden sticks and iron rod resulting in various injuries to him. Offence, accordingly, came to be registered against the applicant and his brothers and others.

4. It is submitted by learned Counsel for the applicant that after applicant's arrest, stick has been recovered from him, pursuant to memorandum under Section 27 of the Evidence Act. He submits that with regard to another accused Rameshwar-the applicant's brother, a stick was recovered and this Court after considering the aforesaid was pleased to enlarge said Rameshwar on bail. It is further submitted that three accused which includes a brother of the present applicant have also released on bail after noticing that on previous date, the villagers had lodged report against the informant

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with regard to his illegal activities. It is, therefore, submitted that considering the aforesaid facts and earlier orders passed by this Court, the applicant is entitled for his release.

5. The application is opposed by the learned Additional Public Prosecutor by relying upon the investigation papers. It is submitted that the statements of witnesses have been recorded and as per injury certificate, the informant has suffered injuries. It is submitted that the application deserves to be rejected.

6. Perused the investigation papers. Same indicate that stick has been recovered at the instance of present applicant under memorandum as per Section 27 of the Evidence Act. This Court in Criminal Application No. 3613 of 2016 by order dated 19th July, 2016 has observed that stick came to be recovered from the applicant therein and during the course of investigation, it did not transpire that the informant was beaten with stick.

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The said application had been allowed. Similarly, in Criminal Application No. 5688 of 2016 this Court has observed in the order dated 26th October, 2016 that on the previous day, villagers had lodged report against the informant with regard to his illegal activities and at that point of time, the informant was armed with a knife. Considering the aforesaid orders and the fact that stick has been recovered from the present applicant, he is entitled for release on bail on parity.

8. In view of aforesaid, following order :-

: O R D E R :

(i) The applicant is directed to be released on bail, in connection with Crime No. 147 of 2016 registered at Waluj Police Station, Taluka Gangapur, District Aurangabad for offences punishable under Sections 143, 147, 148, 149 and 307 of the Indian Penal Code, on furnishing P.R. bond of Rs.20,000/- with one surety in the like

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amount.

(ii) The applicant shall co-operate with the Investigating Officer and attend Waluj Police Station on 7th December, 2016 and thereafter as per directions of the Investigating Officer.

(iii) The applicant shall not take any steps to pressurize the prosecution witnesses.

9. It is clarified that the observations made in this order are only for the purpose of considering present bail application.

10. Criminal Application is allowed on above terms and is disposed of.

(A.S. CHANDURKAR, J.)

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