

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

CRIMINAL APPLICATION NO. 6452 OF 2015

1. Kailas s/o Laxman Maske,
Age: Major, Occ: Agri.,

2. Govind s/o Laxman Chamnar,
Age: Major, Occ: Agri.,

Both R/o. Boraja, Tq. & Dist. Hingoli.

...Applicants

versus

The State of Maharashtra,
Through Police Station Officer,
Police Station Basamba,
Tq. & Dist. Hingoli.

...Respondent

.....
Mr. H.V. Patil, Advocate for applicants
Mr U.S. Mote, A.P.P. for respondent
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CORAM : N.W. SAMBRE, J.

DATE : 18th JANUARY, 2016

ORAL ORDER :

The applicants are seeking pre-arrest bail in Crime No. 67 of 2015 registered with Basamba Police Station, District Hingoli, for the offence punishable under Sections 147, 148, 149, 323, 324, 326, 427, 504, 506 read with Section 34 of the Indian Penal Code.

2. Learned Counsel for the applicants submits that Crime No. 67 of 2015 is registered at the behest of Dnyaneshwar

Laxmanrao Waykule, who is an accused in Crime No. 68 of 2015 which was already registered at the behest of wife of applicant No. 2 for the offence punishable under Sections 324, 325, 504, 506, 143, 147, 149, 447 of Indian Penal Code.

3. Learned Counsel for the applicants would submit that false implication of the applicants in the crime in question cannot be ruled out. Apart from above, according to him, victim has suffered simple injury as is reflected in the order passed by the Sessions Judge, as such, custodial interrogation of the applicants is not necessary and prayed for grant of pre-arrest bail.

4. Learned A.P.P., based on investigation papers and injury certificate, submits that there is strong *prima facie* case against the applicants, as such, prayed for rejection of the bail application.

5. Perused the contents of the F.I.R. in Crime Nos. 68 of 2015 and 67 of 2015. It is noticed that at the behest of wife of applicant No. 2 Crime No. 68 of 2015 was already registered.

6. It appears from the contents of both the F.I.R. that there is enmity in between the applicants and the complainant.

7. Looking to the nature of injury as simple, it cannot be termed as serious, custodial interrogation of the applicants, in my opinion, is not necessary. As such, the applications stands allowed. Hence, following order.

In the event of arrest, the applicants be released on bail, in Crime No. 67 of 2015 registered with Basamba Police Station, District Hingoli, for the offence punishable under Sections 147, 148, 149, 341, 323, 324, 326, 427, 504, 506 read with Section 34 of the Indian Penal Code, upon executing P.R. bond of Rs.15,000/- with one surety in the like amount, by each of them. The applicants shall attend the concerned police station every day on 22nd and 23rd January, 2016 in between 10-00 a.m. to 12-00 noon and thereafter as and when called by Investigating Officer. They shall keep themselves away from the jurisdiction of the concerned police station till filing of the charge sheet but for attending the police station.

8. The application stands allowed in above terms.

[N.W. SAMBRE, J.]