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

CRIMINAL APPLICATION NO. 6465 OF 2015

1. Ashok s/o Ambadas Somwanshi
2. Valmik s/o Ashok Somwanshi
3. Uttam s/o Jairam Somwanshi
4. Bhaulal s/o Raghunath MoteAPPLICANTS

VERSUS

The State of MaharashtraRESPONDENT

**WITH
CRIMINAL APPLICATION NO. 6466 OF 2015**

1. Sk. Yusuf Sk. Rusul
2. Ganesh s/o Ashok Somawanshi
3. Sk. Safiq Sk. HasamAPPLICANTS

VERSUS

The State of MaharashtraRESPONDENT

Mr C. R. Thorat, Advocate for applicants;
Mr S. Y. Mahajan, Addl. Public Prosecutor for respondent

CORAM : N.W. SAMBRE, J.

DATE : 14th January, 2016

ORDER :

By these applications under section 438 of the Code of Criminal Procedure, the applicants seek their enlargement on bail, in connection with C.R. No.I-118 of 2015, registered with Virgaon police station, Taluka Vaijapur, Dist. Aurangabad, for offences punishable under sections 307, 143, 147, 148, 149, 323, 504, 427 of the Indian Penal Code.

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2. At the outset, learned Counsel appearing on behalf of applicants submits that applicant no.3 Uttam s/o Jairam Somwanshi in Criminal Application No.6465 of 2015 is already arrested and thus, the application, to his extent, is rendered infructuous. Thus, the application to his extent stands dismissed.

3. At the behest of the applicant no.1 in Criminal Application No.6465 of 2015, C.R. No.I-116 of 2015 came to be registered against the complainant in C.R. No.118 of 2015.

4. Learned Counsel appearing on behalf of the applicants submits that on account of dispute in relation to immovable property, the applicants are falsely implicated in the crime. He would submit that in view of false implication of the applicants, their custodial interrogation is not necessary.

5. Learned Addl. Public Prosecutor has opposed the application on the ground that there is material on record to infer prima facie involvement of the applicants in commission of the crime and has tried to assert the same through investigation papers.

6. With the assistance, perused the investigation papers and medical evidence. The injury certificate does not match with that of the allegations in the first information report.

7. Apart from above, the fact remains that there are counter offence registered against the complainant.

8. In view thereof, in my opinion, it will be appropriate to enlarge the applicants on pre-arrest bail. Thus, the following order :-

In the event of arrest of the applicants, in connection with C.R. No.I-118 of 2015, registered with Virgaon police station, Taluka Vaijapur, Dist. Aurangabad, for offences punishable under sections 307, 143, 147, 148,

(3)

149, 323, 504, 427 of the Indian Penal Code, they be released on bail, on each of them furnishing P.R. Bond of Rs.15,000/- with one surety in the like amount.

The applicant shall not enter village Mhaski, Taluka Vaijapur, District Aurangabad till filing of the charge-sheet.

Criminal Applications stand allowed in above terms.

(N.W. SAMBRE, J.)

amj