

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO. 6663 OF 2016

1] Yoghesh @ Bhaiyya S/o Nandkumar Pankade
Age : 22 years, Occu.: Labour,
R/o. Ambewadi, Tq. Gangapur,
Dist. Aurangabad

2] Ajay S/o Sunil Battise,
Age : 22 years, Occu.: Labour,
R/o. Phulenagar, Tq. Gangapur,
Dist. Aurangabad

.. Applicants

Vs.

The State of Maharashtra,
Through Police Inspector,
Gangapur Police Station,
Tq. Gangapur, Dist. Aurangabad

.. Respondent

Mr. D.K. Thote, Advocate for the applicants
Mr. S.P. Deshmukh, APP for the respondent/State

CORAM : A.S. CHANDURKAR, J.
DATE : 21/12/2016

ORAL ORDER :

Heard.

2. The applicants apprehend their arrest in connection with Crime no.190 of 2016 registered at Gangapur Police Station, District - Aurangabad for the offences punishable under Sections 307, 143, 147, 148, 149, 323, 504 of the Indian Penal Code.

3. As per the FIR, it is reported by the informant that he was connected with a political party and on 07/05/2016 he alongwith some other persons were in the cabin of Head Clerk of Panchayat Samiti, Gangpur. While they were discussing the matter with regard to list of beneficiaries, one Umesh Pawar, Rajendra Pawar, Manoj Mohite and other 3-4 persons abused him and assaulted him. On that basis, said report came to be lodged.

4. It is submitted by learned counsel for the applicants that they have been implicated only on the basis of statements of co-accused. Their names have not been stated by any witnesses. The injuries suffered by the informant are simple in nature and other similarly situated accused persons are already enlarged on bail.

5. The application is opposed by learned Additional Public Prosecutor by relying upon the police papers. It is submitted that as the names of present applicants have been taken by other co-accused, they

are not entitled for protection. It is submitted that as recoveries have been effected from other accused and further investigation is to be completed, the application deserves to be rejected.

6. I have perused the police papers. The injuries suffered by the informant appear to be simple in nature. Statements of witnesses do not indicate the presence of the applicants herein. It is also to be noted that the main accused - Rajendra Pawar has been granted pre-arrest bail on 01/07/2016 while other accused have also been enlarged on anticipatory bail on 24/08/2016.

7. In view of aforesaid, the following order:-

ORDER

I) In the event of applicants' arrest in connection with Crime no.190 of 2016 registered at Gangapur Police Station, District - Aurangabad for the offences punishable under Sections 307, 143, 147, 148, 149, 323, 504 of the Indian Penal Code, they shall be

released on bail, upon each of them executing P.R. bond of Rs.15,000/- (Rs. Fifteen Thousand) with one surety in the like amount.

II) The applicants shall attend the concerned Police Station on 30/12/2016 and, thereafter, as per the directions of the Investigating Officer.

III) No steps be taken to influence the prosecution witnesses.

8. By clarifying that the observations made in this order are only for the of deciding the bail Application, the same is accordingly allowed and disposed of.

[A.S. CHANDURKAR]
JUDGE

arp/