

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

CRIMINAL APPLICATION NO.6057 OF 2015

1. Ashok @ Pintu s/o Vishwanath Bhokare
2. Anil s/o Vishwanath Bhokare
3. Nitin s/o Vishwanath Bhokare
4. Kantabai w/o Vishwanath Bhokare

All above R/o. Shivaji Chowk,
Waghala, Tq. Ambajogai,
District Beed.

...Applicants

versus

The State of Maharashtra
Through the Police Inspector,
Ambajogai Rural Police Station,
Tq. Ambajogi, Dist. Beed.

...Respondent

**WITH
CRIMINAL APPLICATION NO.6765 OF 2015
IN
CRIMINAL APPLICATION NO.6057 OF 2015**

Sojarbai w/o Govardhan Lamb,
Age: 55 years, Occ: Household,
R/o. Shivaji Chowk, Waghala,
Tq. Ambajogai, Dist. Beed.

...Applicant

versus

The State of Maharashtra
Through Police Inspector,
Ambajogai Police Station, Dist. Beed
& ors.

...Respondents

.....
Mr. S.W. Munde, Advocate for applicants
Mr. U.S. Mote, A.P.P. for respondent/State
Mr. V.P. Sawant, Advocate to assist A.P.P.
.....

CORAM : N.W. SAMBRE, J.

DATE : 7th JANUARY, 2016

ORAL ORDER :

Criminal Application No.6765 of 2015 filed by original complainant to assist learned A.P.P. is allowed.

2. The applicants are seeking pre-arrest bail in Crime No. 114 of 2015 registered with Ambajogai Rural Police Station, District Beed, for the offence punishable under Sections 302, 452, 323, 504, 506, 509, 201, 203, 120-B, 409 read with Section 34 of Indian Penal Code.

3. It is not dispute that offence came to be registered pursuant to the complaint lodged by Sojarbai, mother of deceased Balaji.

4. Learned Counsel for the applicants would urge that deceased Balaji was hired as driver by applicant No. 3 on his auto-rickshaw, which met with an accident on or about 28/03/2015 resulting into initially registration of Crime No. 24 of 2015 for the offence punishable under Sections 304-A, 279 of Indian Penal Code at the behest of Samadhan, brother of Shilwant Bansode, who

expired with deceased Balaji in the accident of auto rickshaw which had head on collision with unknown vehicle. The mother of deceased, as such, lodged complaint claiming registration of offence punishable under Section 306 of Indian Penal Code resulting into registration of crime in question.

5. Learned Counsel for the applicant would urge that the applicants cannot be connected with crime in question as applicant No. 3 is owner of auto-rickshaw and even if presuming without admitting that the applicant was having any difference with Balaji, it is really hard to believe that applicant No. 3 would kill Balaji alongwith Shilwant, as no such motive is attributed to him.

6. With the assistance of learned A.P.P., I have perused the investigation papers. There is hardly any material to connect the present applicants with crime in question.

7. Learned A.P.P. was assisted by learned Counsel for the complainant, who had tried to impress this Court by bringing theory of differences between Balaji and applicant No. 3, as such, unnatural death of Balaji is caused by the applicants. The investigation papers do not depict any such inference.

8. In view of the fact that there are hardly any record to connect the applicants with the crime in question.

9. In the light above, it will be appropriate, in my opinion, to grant protection to the applicant. Hence, following order:-

: O R D E R :

In the event of arrest, the applicants be released on bail, in connection with Crime No.114 of 2015 registered with Ambajogai Rural Police Station, District Beed for the offence punishable under Sections 302, 452, 323, 504, 506, 509, 201, 203, 120-B, 409 read with Section 34 of Indian Penal Code, on executing P.R. bond of Rs.15,000/- with one surety in the like amount, by each of them.

10. The application for grant of pre-arrest bail is allowed in above terms.

[N.W. SAMBRE, J.]