

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

CRIMINAL APPLICATION NO. 6002 OF 2015

1. Manoj s/o Badrinath Wagh,
Age: 35 years, Occ: Agri.,
R/o. Shekta, Tq. & Dist. Aurangabad.
2. Priti w/o Kanhayalal Sonawane,
Age: 40 years, Occ: Household,
R/o. Shree Krishna Housing Society,
Aurangabad. ...Applicants

versus

The State of Maharashtra,
The Commissioner of Police,
Aurangabad. ...Respondent

**WITH
CRIMINAL APPLICATION NO. 6788 OF 2015
IN
CRIMINAL APPLICATION NO. 6002 OF 2015**

Sunita Ishwarlal Bhansali,
Age: 42 years, Occ: Household,
R/o. Parimal Housing Society,
Garkheda, Aurangabad,
Tq. & Dist. Aurangabad. ...Applicant

versus

The State of Maharashtra & ors ...Respondents

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Mr. S.G. Ladda, Advocate for applicants in Criminal Application
No.6002 of 2015
Mr S.Y.Mahajan, A.P.P. for respondent
Mr. Satej S. Jadhav, Advocate to assist A.P.P.

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CORAM : N.W. SAMBRE, J.

DATE : 18th JANUARY, 2016

ORAL ORDER :

For the reasons stated in the application, Criminal Application No. 6788 of 2015 to assist learned A.P.P. stands allowed.

2. The applicants are seeking pre-arrest bail in Crime No. I-71 of 2015 registered with Mukundwadi Police Station, District Aurangabad, for the offence punishable under Sections 395, 354, 341, 323, 324, 504, 506 of the Indian Penal Code.

3. The prosecution case against the applicants is that the applicants alongwith main accused Thagan Patil have tried to outrage modesty of the complainant and have taken photographs in the back ground of earlier similar offence committed by him.

4. Perused the contents in the F.I.R. and other investigation papers. It is the case of learned Counsel for the applicants that the applicants are not named in the F.I.R. though the complainant was aware about identify as is apparent in F.I.R. in Crime No. I-67 of 2015.

5. Mr. Ladda, learned Counsel for the applicants would urge that delay in lodging F.I.R. speaks of voluminous about probable

story narrated in the F.I.R. According to him, charge sheet in the matter is already filed and same is registered as Sessions Trial No. 10 of 2015, as such, custodial interrogation of the applicants is not necessary.

6. Learned A.P.P., who was assisted by Mr. Satej Jadhav, learned Counsel for the complainant, would submit that custodial interrogation of the applicant is very much necessary as C.D. and photographs containing photos of complainant are yet to be recovered from the custody of the applicants. According to him, the main accused is still behind the bar. Mr. Jadhav, learned Counsel for the complainant would urge that the complaint filed immediately was not taken cognizance of resulting into filing of F.I.R.

7. Perused the investigation papers. The statement of learned Counsel for the applicants that charge sheet in the matter is filed is accepted. Based on the above referred submissions, it is to be noted that no role is attributed to the applicants in crime in question. The fact remains that the complainant herein from the contents of F.I.R. in Crime No. 67 of 2015 was aware about the names of applicants and as such, it was open for her to specifically name them in the F.I.R. Apart from above, the perusal of story in F.I.R. and the investigation carried out speaks of improbable incident,

as the place of incident is located in densely populated area. Except two witnesses, non have supported the prosecution case.

8. In view of completion of investigation, in my opinion, custodial interrogation of the applicants is not necessary. As such, the application stands allowed. Hence, following order.

In the event of arrest, the applicants be released on bail, in Crime No. I-71 of 2015 registered with Mukundwadi Police Station, District Aurangabad, for the offence punishable under Sections 395, 354, 341, 323, 324, 504, 506 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. Mr. Ladda, learned Counsel for the applicants assures this Court on behalf of the applicants that, the applicants shall regularly attend the trial in the Sessions Court.

9. The application stands allowed in above terms.

[N.W. SAMBRE, J.]