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

CRIMINAL APPLICATION NO.6880 OF 2015

Balu @ Rahul s/o Nivrutti Munde ..APPLICANT

VERSUS

The State of Maharashtra ..RESPONDENT

Mr K.D. Bade Patil, Advocate for applicant;
Mr M.B. Bharaswadkar, Addl. Public Prosecutor for respondent

CORAM : N.W. SAMBRE, J.

DATE : 6th January, 2016

ORDER :

By this application, the applicant seeks his release on pre-arrest bail, in connection with C.R. No.241 of 2015, registered with Police Station, Kaij, for offences punishable under sections 302, 147, 148, 149, 323 and 504 of the Indian Penal Code.

2. The incident is alleged to have taken place on 27th September, 2015, for which first information report has been lodged on 29th September, 2015.

3. Mr Bade Patil, learned Counsel appearing on behalf of the applicant would urge that there is delay of two days in lodging the first information report and according to him, the applicant being a public servant, is entitled for protection, particularly having regard to the nature of allegations made

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in the first information report.

4. The claim is opposed by the learned Addl. Public Prosecutor on the ground that there is direct involvement of the applicant and custodial interrogation is necessary, as weapon used in the offence is yet to be recovered.

5. Having bestowed my thought to the submissions made, it is to be noted that delay of two days in lodging first information report is not explained. The role attributed to the applicant is use of stick in commission of the offence. Apart from above, it is to be noted that the applicant is a public servant. In view thereof, in my opinion, it will be appropriate to enlarge the applicant on pre-arrest bail. I, therefore, pass following order :-

In the event of arrest of the applicant, in connection with C.R. No. 241 of 2015, registered with Police Station, Kaij, for offences punishable under sections 302, 147, 148, 149, 323 and 504 of the Indian Penal Code, he be released on bail on furnishing P.R. Bond of Rs.25,000/- with one surety in the like amount.

The applicant shall attend the concerned police station initially on 18th and 19th January, 2016, between 10.00 a.m. and 12 noon and thereafter as and when called for by the Investigating Officer.

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The applicant shall keep himself away from the jurisdiction of the concerned police station till filing of the charge-sheet.

Criminal Application stands allowed in above terms.

(N.W. SAMBRE, J.)

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