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

CRIMINAL APPLICATION NO. 6884 OF 2015

1. Amol S/o Vinayak Sonawane
2. Akash S/o Vinayak SonawaneAPPLICANTS

VERSUS

The State of MaharashtraRESPONDENT

WITH

CRIMINAL APPLICATION NO. 270 OF 2016

Sachin S/o Vinayak SonawaneAPPLICANT

VERSUS

The State of MaharashtraRESPONDENT

Mr K. D. Jadhav, Advocate for applicants;
Mr M. B. Bharaswadkar, Addl. Public Prosecutor for respondent

CORAM : N.W. SAMBRE, J.

DATE : 22nd January, 2016

ORDER :

By the present applications under section 438 of the Code of Criminal Procedure, the applicants seek their enlargement on pre-arrest bail, in connection with C.R. No.I-222 of 2015, registered with Kannad Police Station, Dist. Aurangabad, for offences punishable under sections 307, 143, 147, 148, 149, 324, 341, 323, 504 read with section 34 of the Indian Penal Code and under section 135 of the Bombay Police Act.

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2. Learned Counsel appearing on behalf of the applicants submit that in view of counter complaint, resulting into registration of C.R. No.221 of 2015 with Kannad police station, the applicants are falsely implicated in the crime in question. He would then urge that looking to the nature of allegations against the applicants and they being students, are entitled to be released on pre-arrest bail.

3. Learned Addl. Public Prosecutor, while opposing the application submits that against the applicant Sachin already an offence under section 302 of the Indian Penal Code is registered, for which Sessions Trial is pending against him. According to him, custodial interrogation of the applicants is necessary. Thus, he prayed to reject the application.

4. Perused the first information report and the investigation papers.

5. Having regard to the counter complaint and the fact that there are no specific attributions alleging a particular role played by the applicants in commission of the crime, in my opinion, it will be appropriate to order release of the applicants on pre-arrest bail. Thus, the following order :-

In the event of arrest of applicants, in connection with C.R. No.I-222 of 2015, registered with Kannad Police Station, Dist. Aurangabad, for offences punishable under sections 307, 143, 147, 148, 149, 324, 341, 323, 504 read with section 34 of the Indian Penal Code and under section 135 of the Bombay Police Act they be released on bail, on each of them

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furnishing P.R. Bond of Rs.15,000/- with one surety in the like amount.

The applicants shall attend the concerned police station initially on 27th and 28th January, 2016, between 10.00 a.m. and 12 noon and thereafter as and when called by the Investigating Officer.

Till filing of the charge-sheet, the applicants shall keep themselves away from the jurisdiction of the concerned police station.

Criminal Applications stand allowed in above terms.

(N.W. SAMBRE, J.)

amj