

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

CRIMINAL APPLICATION NO. 7015 OF 2015

1. Yogesh Vasant Gore,
Age: 25 years, Occ: Agri.,
R/o. Loni Khurd, Tq. Vaijapur,
Dist. Aurangabad.
2. Narayan Madhukar Sonawane,
Age: 28 years, Occ: Agri.,
3. Santosh @ Pappu Sheshrao Nikam,
Age: 23 years, Occ: Agri.,

Both R/o. Chikatgaon, Tq. Vaijapur,
District Aurangabad.

...Applicants

versus

The State of Maharashtra,
(At the instance of
Shivoor Police Station).

...Respondent

WITH

CRIMINAL APPLICATION NO. 7016 OF 2015

1. Mininath Changdev Nikam,
Age: 21 years, Occ: Agri.,
2. Tatyarao Kisan Hire,
Age: 39 years, Occ: Agri.,
3. Balu Pundlik Nikam,
Age: 55 years, Occ: Agri.,
4. Udhav Govindrao Jadhav,
Age: 33 years, Occ: Agri.,
5. Arjun Govindrao Jadhav,
Age: 31 years, Occ: Agri.,
6. Bhausahab Balu Jadhav,
Age: 31 years, Occ: Agri.,
7. Arjun @ Bhaurao Radhakrishna Jadhav,
Age: 30 years, Occ: Agri.,

8. Govind Ananda Nikam,
Age: 28 years, Occ: Agri.,

All R/o. Loni Khurd, Tq. Vaijapur,
District Aurangabad.

...Applicants

versus

The State of Maharashtra,
(At the instance of
Shivoor Police Station).

...Respondent

.....
Mr. A.K. Bhosale, Advocate for applicants
Mr. S.J. Salgare, A.P.P. for respondent/State
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CORAM : N.W. SAMBRE, J.

DATE : 18th JANUARY, 2016

ORAL ORDER :

The applicants are seeking regular bail in Crime No.I-166 of 2015 registered with Shivoor Police Station, District Aurangabad, for the offence punishable under Sections 307, 395, 323, 504, 506, 147, 148, 149, 427, 435 of the Indian Penal Code and under Section 3(i)(ii)(x)(xi)3(2)(iii)(iv)(v) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

2. The applicants were arrested on 16/12/2015 and were subjected to P.C.R.

3. It is the case of prosecution against the applicants that they being member of unlawful assembly have committed an offence in question and the sufficient evidence of the involvement in the crime in question is available against the applicants.

4. With the assistance of learned A.P.P., I have perused the investigation papers.

5. The victims have suffered simple injuries. The applicants, since were interrogated, are now under M.C.R., further detention of the applicants will be of hardly any assistance. It is also required to be noted that in the background of allegations in the F.I.R. and investigation papers, the story of commission of crime under Section 395 of Indian Penal Code is improbable, as same is not investigated in that angle.

6. Apart from above, in view of the simple injuries suffered by the victims, in my opinion, further detention of the applicants will be of hardly any assistance. As such, the application is allowed. Hence, the following order.

The applicants be released on bail, in connection with Crime No.I-166 of 2015 registered with Shivoor Police Station,

District Aurangabad, for the offence punishable under Sections 307, 395, 323, 504, 506, 147, 148, 149, 427, 435 of the Indian Penal Code and under Section 3(i)(ii)(x)(xi)3(2)(iii)(iv)(v) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, upon executing P.R. bond of Rs.15,000/- with one surety in the like amount, by each of them. They shall not enter the village till filing of the charge sheet.

7. Both the criminal applications stand allowed in above terms.

[N.W. SAMBRE, J.]