

(1)

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

CRIMINAL APPLICATION NO. 29 OF 2017

1. Ramprasad s/o Kashiba Harbale,
Age: 30 years, Occu: Agriculture,
R/o Dhamangaon, Tq. Basmath,
Dist. Hingoli
2. Chandu s/o Suresh Kharate,
Age: 19 years, Occu: Agriculture,
R/o Dhamangaon, Tq. Basmath,
Dist. Hingoli
3. Raju s/o Zelba Bele,
Age: 28 years, Occu: Agriculture,
R/o Dhamangaon, Tq. Basmath,
Dist. Hingoli
4. Chandrakant s/o Appasaheb Chapke,
Age: 55 years, Occu: Agriculture,
R/o Katneshwar, Tq. Parbhani,
Dist. Parbhani

..APPLICANTS

VERSUS

The State of Maharashtra,
Through Police Station,
Kurunda, Tq. Basmath,
Dist. Hingoli

..RESPONDENT

Mr G. K. Naik-Thigale, Advocate for applicants;
Mr R. V. Dasalkar, Addl. Public Prosecutor for respondent

CORAM : N. W. SAMBRE, J.

DATE : 6th February, 2017

ORAL ORDER

Heard.

(2)

2. By this application under Section 438 of the Code of Criminal Procedure, the applicants seek their enlargement on bail, in connection with C.R. No.64 of 2016, for offences punishable under Sections 307, 325, 452, 323, 504, 506 read with Section 34 of the Indian Penal Code.

3. It is the case of the prosecution that on 3rd September, 2016, injured Navnath alleged that the applicants, co-accused, along with other four persons assaulted him and his cousin Ganesh with deadly weapons. However, the first information report does not depict names of the present applicants as having taken active participation in the crime in question. It is subsequent statement of Navnath recorded on 6th and 7th September, 2016, followed with that of Ganesh attributes involvement of the applicants in the crime in question.

4. So far as the subsequent statements of complainant Navnath and victim Ganesh are concerned, those are recorded after a lapse of about three to four days of the date of offence, for which there is no explanation whatsoever.

5. Apart from above, even if statements of complainant Navnath and Ganesh are taken to be true against the applicants, the role attributed to them appears to be general in nature. The afterthought inclusion of the names of the present applicants in the crime in question, after a delay of about four days of the occurrence of incident, cannot be ruled out.

(3)

6. In the wake of above background, in my opinion, a case for grant of pre-arrest bail is made out. Hence, following order:-

In the event of arrest of the applicants, in connection with C.R. No.64 of 2016, for offences punishable under Sections 307, 325, 452, 323, 504, 506 read with Section 34 of the Indian Penal Code, they be released on bail, on each of them furnishing P.R. Bond of Rs.15,000/- with one or two sureties for the like amount.

The applicants shall attend the Investigating Officer from 10th to 12th February, 2017, between 10.00 a.m. and 12.00 noon and thereafter as and when directed.

The applicants shall not take any steps to influence the prosecution witnesses or tamper with evidence.

Investigating Officer is personally present. His presence is discharged.

Criminal Application stands allowed in above terms.

(N. W. SAMBRE, J.)

amj