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

CRIMINAL APPLICATION NO.186 OF 2017

Bhatu Bhivsan Mali,
Age: 45 years, Occu: Business,
R/o: Warwade, Shirpur,
Taluka Shirpur, District: Dhule

..APPLICANT

VERSUS

1. The State of Maharashtra,
Through Police Inspector,
Shirpur Police Station,
Shirpur, Taluka: Shirpur,
District: Dhule

2. The Superintendent of Police, Dhule,
District-Dhule

..RESPONDENTS

WITH

CRIMINAL APPLICATION NO.187 OF 2017

Vinod Devidas Indaeet (Mali),
Age: 28 years, Occu: Agriculturist,
R/o: At Post: Waghadi,
Taluka Shirpur, District: Dhule

..APPLICANT

VERSUS

1. The State of Maharashtra,
Through Police Inspector,
Shirpur Police Station,
Shirpur, Taluka: Shirpur,
District: Dhule

2. The Superintendent of Police, Dhule,
District-Dhule

..RESPONDENTS

Mr L. S. Mahajan, Advocate for applicants;
Mr R. V. Dasalkar, Addl. Public Prosecutor for respondent

CORAM : N.W. SAMBRE, J.

DATE : 30th January, 2017

ORAL ORDER

By these applications under Section 438 of the Code of Criminal Procedure, the applicants seek their release on bail, in connection with C.R. No.297 of 2016, registered on 28th November, 2016, with Shirpur police station, Shirpur, for offences punishable under Sections 395, 452, 143, 147, 148, 149, 323, 504 and 506 of the Indian Penal Code.

2. It is claimed by the applicants that prior in point of time than the first information report in question, applicant in Criminal Application No.186 of 2017 had registered complaint with the police station against the complainant in the present crime, namely, Dinesh Shalik Mali, alleging that he has committed crime, being C.R. No.296 of 2016, for offences punishable under Sections 395, 452, 143, 147, 148, 149, 323, 504, 506 and 427 of the Indian Penal Code.

3. In the above background, learned Counsel appearing on behalf of the applicants would urge that the applicants have been falsely implicated in the offence and they are entitled to be released on bail.

4. Learned Addl. Public Prosecutor opposed the application on the ground that the applicants are involved in a serious offence.

5. Perusal of the investigation papers depicts that but for the statements of the complainant and his mother, there is hardly any material

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to infer *prima facie* involvement of the applicants in commission of the crime in question.

6. Apart from above, it is to be noted that in view of counter first information report being C.R. No.296 of 2016 against the complainant at the behest of applicant in Criminal Application No.186 of 2017, false implication of the applicants cannot be ruled out.

7. In view thereof, applications succeed. Hence, following order :-

In the event of arrest of the applicants, in connection with C.R. No.297 of 2016, registered on 28th November, 2016, with Shirpur police station, Shirpur, for offences punishable under Sections 395, 452, 143, 147, 148, 149, 323, 504 and 506 of the Indian Penal Code, he be released on bail, on furnishing P.R. Bond of Rs.15,000/- with one or two sureties for the like amount.

The applicants shall attend the Investigating Officer on 7th and 8th February, 2017, between 12.00 noon and 2.00 p.m. and thereafter as and when called.

The applicants shall not influence the prosecution witnesses.

Criminal Applications stand allowed in above terms.

(N.W. SAMBRE, J.)

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