

(1)

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

CRIMINAL APPLICATION NO.6558 OF 2016

1. Anna @ Anil s/o Hiralal Magare,
Age: 35 years, Occ: Business,
R/o. Sundarwadi, Zalta Road,
Chikalthana, Aurangabad.
2. Sham s/o Karbhari Ghorpade,
Age: 22 years, Occ: Driver,
R/o. Sundarwadi, Zalta Road,
Chikalthana, Aurangabad. ..APPLICANTS

VERSUS

The State of Maharashtra
through Mukundwadi Police
Station, Aurangabad. ..RESPONDENT

WITH

**CRIMINAL APPLICATION NO.205 OF 2017
IN
CRIMINAL APPLICATION NO. 6558 OF 2016**

Rekha Mohan Devate,
Age: 32 years, Occ: Household,
R/o. Rajnagar, Balapur Fhata,
Tq. & Dist. Aurangabad. ..APPLICANTS

VERSUS

The State of Maharashtra
through Mukundwadi Police
Station, Aurangabad & ors. ..RESPONDENTS

Mr N.S. Ghanekar, Advocate for applicants in
Criminal Application No. 6558 of 2016 and for
respondent Nos. 2 & 3 in Criminal Application No.
205 of 2017;

(2)

Mr R.V. Dasalkar, Addl. Public Prosecutor for
respondent/State
Mr. M.L. Wankhade, Advocate to assist A.P.P.

CORAM : N.W. SAMBRE, J.

DATE : 11th JANUARY, 2017

ORDER :

For the reasons stated in Criminal Application No. 205 of 2017 seeking permission to assist the prosecution, same stands allowed.

2. The applicants are seeking regular bail in Crime No. 1079 of 2016 registered with Mukundwadi Police Station, District Aurangabad for offences punishable under Sections 376(2)(n), 323, 504, 506 of the Indian Penal Code and under Section 5 of the The Immoral Traffic (Prevention) Act.

3. Perused the investigation papers. Prima facie allegations against applicant No. 2 appears to be for offence punishable under Sections 323, 504, 506 of the Indian Penal Code. In view of fact that applicant No.2 is behind bars for more than 60

(3)

days, it will be appropriate, in my opinion, to allow the application of applicant No. 2 Sham s/o Karbhari Ghorpade, who was working as driver with applicant No.1.

4. In view of above, the following order is passed : -

(i) Applicant No. 2 Sham s/o Karbhari Ghorpade be released on bail in Crime No. 1079 of 2016 registered with Mukundwadi Police Station, District Aurangabad for offences punishable under Sections 376(2)(n), 323, 504, 506 of the Indian Penal Code and under Section 5 of the The Immoral Traffic (Prevention) Act, on furnishing P.R. bond of Rs.15,000/-, with one or two sureties in the like amount.

(ii) The applicant shall neither influence the prosecution witnesses nor tamper with the prosecution evidence.

(4)

5. Criminal Application with regard to applicant No. 2 Sham s/o Karbhari Ghorpade stands allowed in above terms.

6. So far as applicant No. 1 Anna @ Anil s/o Hiraral Magare is concerned, Shri. Ghanekar, learned Counsel submits that he will not press for applicant No.1 and shall apply afresh after filing of the charge sheet.

7. In view of above, application with regard to applicant No.1 Anna @ Anil s/o Hiraral Magare stands dismissed, as withdrawn.

(N.W. SAMBRE, J.)

Tupe