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

CRIMINAL APPLICATION NO.224 OF 2017

1. Chandrakant Gajendra Kashid,
Age: 45 years, Occu: Agri.
 2. Prashant Daji Kashid,
Age: 21 years, Occu: Education,
Both R/o. Kemwadi, Tq.: Tuljapur,
Dist: Osmanabad
- ..APPLICANTS

VERSUS

State of Maharashtra,
Through its Police Station,
Tamalwadi, Tq. Tuljapur,
Dist: Osmanabad

..RESPONDENT

Mr P. V. Barde, Advocate for applicants;
Mr R. V. Dasalkar, Addl. Public Prosecutor for respondent

CORAM : N.W. SAMBRE, J.

DATE : 30th January, 2017

ORAL ORDER

By the present application under Section 438 of the Code of Criminal Procedure, the applicants seek their release on bail, in connection with C.R.No.22 of 2015, registered with Police Station Tamalwadi, Tq. Tuljapur, District Osmanabad, for offences punishable under Sections 147, 148, 149, 307, 323, 324, 326, 504, 506 of the Indian Penal Code and Section 4/25 of the Indian Arms Act.

2. By an order dated 7th August, 2015, this Court has permitted applicant No.1-Chandrakant to withdraw Criminal Application No.3844 of

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2015, which he had filed for grant of pre-arrest bail. The present application for grant of pre-arrest bail is moved by the applicant No.1-Chandrakant and applicant No.2-Prashant after filing of charge-sheet.

3. Heard at length.

4. It is sought to be impressed upon the Court by Mr Barde, learned Counsel appearing on behalf of the applicants that since the investigation is over, custodial interrogation of the applicants is unwarranted and having regard to the nature of injuries suffered by the complainant, the applicants are required to be released on bail.

5. Perused the charge-sheet and other material. There is specific attribution against applicant No.1, who has used sword in commission of the crime in question and is avoiding arrest since last about more than 23 months.

6. In view of available material on record, there is a strong *prima facie* case against applicant No.1-Chandrakant. In view thereof, the application, to his extent stands rejected.

7. So far as case of applicant No.2-Prashant is concerned, the prosecution stories narrates his personal presence at the scene of the offence and assault by fist blows. Thus, his custodial interrogation is not warranted.

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8. In view thereof, I pass following order:

Application to the extent of applicant No.1-Chandrakant Gajendra Kashid stands rejected.

In the event of arrest of applicant No.2-Prashant Daji Kashid, in connection with C.R.No.22 of 2015, registered with Police Station Tamalwadi, Tq. Tuljapur, District Osmanabad, for offences punishable under Sections 147, 148, 149, 307, 323, 324, 326, 504, 506 of the Indian Penal Code and Section 4/25 of the Indian Arms Act, he be released on bail, on furnishing P.R.Bond of Rs.15,000/- with one or two sureties for like amount.

Applicant No.2 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.

Applicant No.2 shall not take any steps to influence the prosecution witnesses or tamper with evidence.

Criminal Application stands allowed in above terms.

(N.W. SAMBRE, J.)

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