

(1)

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

CRIMINAL APPLICATION NO.328 OF 2017

1. Vishnu s/o Bansidhar Likhe,
Age: 42 years, Occu: Pigmi Agent
2. Sawita w/o Vishnu Likhe,
Age: 39 years, Occu: Household
3. Shubham s/o Vishnu Likhe,
Age: 21 years, Occu: Education
4. Vaibhav s/o Vishnu Likhe,
Age: 19 years, Occu: Education,

All R/o Gangasagar Nagar,
Parli Vajinath, Dist. Beed

..APPLICANTS

VERSUS

The State of Maharashtra,
Through Police Station,
Parli City, Dist Beed

..RESPONDENT

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

CORAM : N.W. SAMBRE, J.

DATE : 30th January, 2017

ORAL ORDER

By this application under Section 438 of the Code of Criminal Procedure, the applicants seek their release on bail, in connection with C.R. No.457 of 2016, registered with Police Station, Parali City, District Beed, for offences punishable under Sections 307, 452, 325, 506 read with Section 34 of the Indian Penal Code.

(2)

2. The incident is alleged to have taken place on 20th October, 2016, for which, first information report came to be lodged on 7th December, 2016.

3. Upon perusal of the investigation papers, prima facie, it could be noticed that there is a delay of more than six weeks in lodging first information report.

4. The dying declaration of complainant Shivaji, recorded on 22nd October, 2016 speaks that he himself has poured kerosene and got ablazed.

5. Apart from above, the fact remains that the contents of the first information report also narrate differences between the parties over some money lending transaction. All family members of the applicants are impleaded as accused. Prima facie, it could be inferred from the contents of the first information report and dying declaration that there is no need of custodial interrogation of the applicants.

6. In view thereof, the application succeeds. I, therefore, pass following order :-

In the event of arrest of the applicants, in connection with C.R. No.457 of 2016, registered with Police Station, Parali City, District Beed, for offences punishable under Sections 307, 452, 325, 506 read with

(3)

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 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 take any steps to influence prosecution witnesses or tamper with evidence.

(N.W. SAMBRE, J.)

amj