

(1)

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

CRIMINAL APPLICATION NO.888 OF 2017

1. BHATU UMAJI PATIL,
Age: 28 years, Occ: Labour,
R/o. Gotane, Tq. & Dist. Dhule.
2. KAILAS DHANRAJ MORE,
Age: 26 years, Occ: Labour,
R/o. Vadel, Tq. & Dist. Dhule. ..APPLICANTS

VERSUS

The State of Maharashtra ..RESPONDENT

Mr Joydeep Chatterji, Advocate for applicants;
Mr K.N. Lokhande, Addl. Public Prosecutor for
respondent

WITH

CRIMINAL APPLICATION NO.1027 OF 2017

Pandharinath s/o Shamrao Patil,
Age: Major, Occ: Labourer,
R/o. Sadgaon, Tg. & Dist. Dhule. ..APPLICANT

VERSUS

The State of Maharashtra
& anr ..RESPONDENTS

Mr V.B. Anjanwatikar, Advocate for applicant;
Mr K.N. Lokhande, Addl. Public Prosecutor for
respondent

(2)

CORAM : N.W. SAMBRE, J.**DATE : 1st MARCH, 2017****ORAL ORDER :**

In Criminal Application No. 1027 of 2017, surname of applicant be corrected to Patil in stead of Bagale. Amendment be carried out forthwith.

2. All these applicants are seeking regular bail in Crime No.96 of 2016, registered with Deopur West Police Station, District Dhule, for the offence punishable under Sections 302, 363, 366, 452, 143, 147, 148, 149, 506, 323, 504 of the Indian Penal Code and Section 4(i)), (1)(s) of the Scheduled Castes and Scheduled Tribe (Prevention of Atrocities) Act.

3. Perusal of the statement in the first information report and that of eye witnesses reflect that role attributed to the present applicants is that of their presence at the spot of incident and assaulting deceased Dayaram with fist blows.

(3)

4. Though the prosecution has invoked Section 149 of the Indian Penal Code against present applicants, however, it is required to be noted that the applicants were not armed with any deadly weapons so as to commit crime punishable under Section 302 of the Indian Penal Code.

5. In absence of criminal antecedents and as the investigation in the matter is complete, the applicants, in my opinion, deserve to be released on bail.

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

(i) The applicants be released on bail in Crime No.96 of 2016, registered with Deopur West Police Station, District Dhule, for the offence punishable under Sections 302, 363, 366, 452, 143, 147, 148, 149, 506, 323, 504 of the Indian Penal Code and Section 4(i)), (1)(s) of the Scheduled

(4)

Castes and Scheduled Tribe (Prevention of Atrocities) Act, upon furnishing P.R. bond of Rs.25,000/- by each of them, with one or two sureties in the like amount.

(ii) The applicants shall attend the Investigating Officer as and when called for.

(iii) The applicants shall not influence the prosecution witnesses or tamper with evidence.

7. Both Criminal Applications stand allowed in above terms.

(N.W. SAMBRE, J.)

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