

**IN THE HIGH COURT AT BOMBAY
APPELLATE SIDE, BENCH AT AURANGABAD**

13 CRIMINAL APPLICATION NO. 1837 OF 2017

SHYAM S/O. GUNAJI DADHEL
VERSUS
THE STATE OF MAHARASHTRA

...
Advocate for Applicant : Mr. Suryawanshi Govind G.
APP for Respondent/State : Mr. R.V. Dasalkar
...

CORAM : T.V. NALAWADE, J.
DATED : May 3, 2017.

ORDER :

1. The application is filed for bail. A statement was made by the learned counsel for applicant that this is the first application filed for bail by the applicant in this Court. Papers of investigation were made available to this Court for perusal. Both the sides are heard.

2. The crime is registered on the basis of report given by one Ankush Pawar at C.R. No. 91/17 in Loha Police Station, District Nanded for the offences punishable under sections 452, 307, 149 etc. of I.P.C. Allegations are made that on 16.3.2017 at about 6.00 a.m., when he was present in his house with his relatives, present applicant and other accused entered his house with sticks and one can of kerosene. Allegations are made that all of them were saying that Ankya, the first informant was to be

finished. Allegations are made that all of them started assaulting him with sticks and his relatives, who were trying to intervene, were also assaulted. Allegations are made that he was then forcibly taken out of the house by Devanand and Sanchin Kamble and Sachin Kamble tried to pour kerosene on the person of first informant and after that Anil and present applicant - Shyam held him and the persons were trying to set fire him, but they could not light the matchstick and due to that they could not set fire to him. It is contended that due to shouting, the persons started gathering there. So, the accused persons left him and went away.

3. There are statements of witnesses. But there is no record of injury. It appears that only due to allegation that they tried to set fire him, section 307 of I.P.C. is used. The applicant has been behind bars since 16.3.2017. In view of the nature of material as against the present applicant and as it is not certain as to how much time will be required for disposal of the case, this Court holds that it is not desirable to keep the applicant behind bars till the disposal of the case.

4. In the result, the application is allowed. The applicant is to be released on bail on his furnishing PR and SB of

Rs.15,000/- (Rupees fifteen thousand). He is not to tamper with the prosecution witnesses. He is not to commit similar offence.

[T.V. NALAWADE, J.]

SSC/