

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

**CRIMINAL APPLICATION NO. 1946 OF 2017
WITH**

CRIMINAL APPLICATION NO. 2270 OF 2017

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CRIMINAL APPLICATION NO. 1946 OF 2017

1. Vishwambhar s/o. Baburao Bhalerao .. Applicants
Age. 35 years, Occ. Business,
R/o Galli No.8, Sanjay Nagar,
Mukundwadi, Aurangabad.

2. Pandhari s/o. Baburao Bhalerao
Age. 33 years, Occ. Agri.,
R/o Galli No.8, Sanjay Nagar,
Mukundwadi, Aurangabad.

3. Santosh s/o. Baburao Shinde,
Age. 33 years, Occ. Labour,
R/o Galli No.8, Sanjay Nagar,
Mukundwadi, Aurangabad.

Versus

The State of Maharashtra .. Respondent

WITH

CRIMINAL APPLICATION NO. 2270 OF 2017

Vikas Gangadhar Sonune .. Applicant

Versus

The State of Maharashtra & Ors. .. Respondents

Mr.Nilesh Ghanekar, Advocate for the applicants/accused.
Mr.A.R. Borulkar, A.P.P. for respondent/State.
Mr.Suvidh S. Kulkarni, Advocate for complainant - Assist
to A.P.P.

CORAM : T.V. NALAWADE, J.

DATED : 02.05.2017

P.C. :-

1. The first application is filed for bail and second application is filed by the complainant for permission to assist the A.P.P. The second application is allowed and Adv. Mr.Kulkarni is allowed to assist the A.P.P. Perused the papers of investigation.

2. The crime is registered on the basis of report given by Vikas Sonune, aged about 25 years. It appears that he married with one girl and it is inter-caste marriage. The allegations are made that present applicants are relatives and friends of parents of said girl and due to the marriage they were angry with him. The allegations are made that on 13.02.2017 at about 10.00 p.m. at Mukundwadi, when the complainant was on his two wheeler, the applicants intercepted the vehicle and picked up quarrel and on the aforesaid ground they forcibly administered poison to him. According to him, he contacted the police by dialing 100 number and police shifted him to hospital. This Court has seen the discharge card showing that he was given treatment for poison. However, there is no record to show that force was used or any injury was caused on the face or other part of the body of the complainant for administering poison.

3. The submissions made show that the applicants are behind the bar since 26.03.2017. In view of aforesaid material and the circumstance that the applicants are behind the bar for more than one month, this Court holds that it is not desirable to keep the applicants behind the bar till disposal of the case for the offences punishable under section 307etc. of the IPC.

i. In the result, the application is allowed.

ii. The applicants (1) Vishwambhar s/o. Baburao Bhalerao (2) Pandhari s/o. Baburao Bhalerao and (3) Santosh s/o. Baburao Shinde be released on bail in connection with Crime No.48 of 2017, registered with MIDC Police Station, Dist. Aurangabad, for the offences punishable under sections 307, 323, 504, 34 of the Indian Penal Code and under section 135 of the Maharashtra Police Act, on their furnishing PR & SB of Rs.15,000/- (Rupees Fifteen Thousand) by each of them.

iii. The applicants are not to tamper with the prosecution witnesses and they are not to commit similar offence.

[T.V. NALAWADE, J.]