

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

CRIMINAL APPLICATION NO. 2492 OF 2017

Rahul Nandu Hiwale and ors. ... Applicants

VERSUS

The State of Maharashtra ... Respondent

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Mr. S.J.Salunke, advocate for the applicants

Mr. S.B.Joshi, A.P.P for respondent

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CORAM : K.L.WADANE, J.

DATED : 6th JUNE, 2017

O R D E R :

Heard Mr. S.J.Salunke, learned counsel for the applicants and Mr. S.B.Joshi, learned A.P.P. for respondent.

2. Mr. Salunke, learned counsel appearing for the applicants argued that there is litigation between the applicants and the informant. The father of the informant lodged private complaint against applicant nos. 1 and 2. So there is enmity between the parties in connection with the litigation. Further he argued that there are no allegations against the applicant no.3.

3. As against this, learned A.P.P. argued that there are specific allegations against applicant nos. 1 and 2 in reference to the assault with a particular weapon.

4. I have gone through the contents of the first information report, which is lodged promptly. It is stated in the first information report that in the night of 21.4.2017 present applicant no.1 assaulted the informant with stick. Applicant no.2 also assaulted the informant with the help of iron rod.

5. Learned A.P.P. States that the informant and his father received grievous injuries caused due to hard and blunt object, however, another witness Manoj received simple injury.

6. Looking to the allegations in the first information report against applicant nos. 1 and 2, I do not think that they are entitled for grant of bail. However, case of applicant no. 3 is different. There are no specific allegations against applicant no.3. Therefore, there is no question of recovery of any weapon from the

possession of applicant no.3. The custody of applicant nos.1 and 2 is required for the purpose of recovery of weapon allegedly used by the accused while committing alleged offence.

7. Hence, Criminal Application is partly allowed.

Application for anticipatory bail to the extent of applicant nos. 1 and 2 is rejected.

However, applicant no.3 is entitled for anticipatory bail. He shall be released on bail in the event of his arrest in connection with Crime No. 171 of 2017, registered at Taluka Jalna police station, District Jalna on furnishing P.R. bond of Rs. 15,000/- with one surety in the like amount.

(i) Applicant no.3 shall not tamper the evidence of prosecution in any manner and shall cooperate in further investigation.

(ii) He shall remain present in the police station for the purpose of investigation as and when required.

(iii) In addition to that, applicant no.3 shall attend the concerned police station once in a week between 12.00 noon and 2.00 p.m. for a period of three months.

(iv) Criminal Application is disposed of.

(K.L.WADANE, J.)

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