

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

CRIMINAL APPLICATION NO. 2578 OF 2017

1 Jamil Shaikh Husain Mehtar,
 Age 25 years, Occ. Service. ... **Applicants**

2 Anwar s/o Ayyub Mehtar, Age 58
 years, Occupation Govt.Servant,

 Both R/o. Mehtar Colony
 Shirpur, Tq. Shirpur, District
 Dhule.

VERSUS

The State of Maharashtra ... **Respondent**

 Mr. V. P. Raje, Advocate for the applicant
 Mr. S. J. Salgare, APP for the State.

CORAM : K. L. WADANE, J.

DATE : 27th June, 2017

ORDER:

1. Heard Mr. Raje, learned counsel appearing for
the applicants and Mr. Salgare, learned APP
appearing for the respondent-State.

2. This is an application for bail under the
provision of section 439 of the Code of Criminal

Procedure, in connection with Crime No. 134/2017 registered with Shirpur City Police Station District Dhule for the offences punishable under section 143, 147, 148, 149 326, 323,504, 336 of the Indian Penal Code.

3. It is alleged by the complainant that, on 29.04.2017 the applicants-accused went in the post marriage ceremony and assaulted the complainant with wooden log and fist blows.

4. Perused the order passed by the learned Additional Sessions Judge, Dhule. On perusal of the same, it appears that, the bail application of the present applicants is rejected mainly on the ground that, the investigation is going on. Remaining accused are to be arrested and the possibility of tampering of the evidence of prosecution cannot be ruled out.

5. On perusal of the first information report, it appears that, no name of the present applicant No. 1 is mentioned in the first information report. From the statement of witnesses, no role is

attributed to the applicant No. 1. However, the name of the applicant No. 2 is mentioned in the first information report and the allegations against him are that he assaulted the complainant with the help of wooden log on his head. During the course of investigation, the applicants-accused were arrested. They were remanded to M.C.R.

6. Considering the facts that, both the applicants are available for investigation and from the statement of witnesses it appears that, the investigating officer has recorded the statement of almost all witnesses and only charge-sheet is remained to be submitted before the Court. In such circumstances, I am of the opinion that, the applicants can be enlarged on bail. Hence, following order:

O R D E R

- (1) The applicants shall be released on bail in connection with Crime No.134/2017, registered with Shirpur City Police Station, District Dhule, on their executing P.R. Bond of Rs.

15,000/- [Rs. fifteen thousand only] each with one solvent surety in the like amount.

(2) The applicants shall not tamper with the prosecution evidence in any manner.

7. Criminal applications disposed of.

(K. L. WADANE, J.)

mkd/-