

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

CRIMINAL APPLICATION NO. 2653 OF 2017

Keshav s/o Achut Gaikwad
and others

... Applicants

VERSUS

The State of Maharashtra

... Respondent

.....

Mr. Sachin S.Deshmukh, advocate for the applicants
Mr. S.B.Joshi, A.P.P for respondent

.....

CORAM : K.L.WADANE, J.

DATED : 19th JUNE, 2017

O R D E R :

Heard learned counsel for the applicants
and the learned A.P.P. for respondent.

2. One Piraji Ram Gaikwad lodged complaint with police station Palam, District Parbhani alleging that on 3.5.2017 his father Ram Sheshrao Gaikwad went to answer nature's call. After some time his father and his cousin called him, so the complainant went there along with torch. At that

time, another accused Acchut and Madhav were standing there and present applicants namely Keshav, Sandip and Pradeep were also standing there. On seeing his cousin brother they all ran away from the spot. His father was lying at the spot in unconscious state. Therefore, the injured father was taken to the hospital. On way, when his father became semi-unconscious, disclosed to the informant that another accused Acchut and Madhav assaulted him by means of sword due to the reason that he intervened the dispute regarding partition. At that time, injured also disclosed that present applicant namely Keshav was standing there.

3. Entire role attributed to the present applicants is only to the extent of their presence on the spot of incident. No act or overt act has been alleged against the present applicants. Further more, during the course of investigation, another accused Acchut was arrested and there was recovery of weapon at the instance of accused Acchut.

4. Looking to the statement of victim, it appears that his statement was recorded by the police on 4.6.2017 that is after about one month of the incident, in which it is alleged that present applicants assaulted the victim by means of iron rod. It is very material to note that when the victim has disclosed the incident first in time to the informant, the victim has not disclosed anything about the act or overt act of the present applicants.

5. In such circumstances, I am of the opinion that present applicants are entitled for grant of pre-arrest bail. Hence, following order.

(i) Criminal Application is allowed.

(ii) Applicants be released on bail in the event of their arrest on furnishing P.R. bond of Rs. 15,000/- with one surety in the like amount.

(iii) Applicants shall not tamper with the evidence of prosecution in any manner and shall cooperate in further investigation.

(iv) Applicants shall not enter village Ainwadi, Taluka Palam, District Parbhani till

filing of the charge sheet.

6. Criminal Application is disposed of.

(K.L.WADANE, J.)

dbm/crap2653.17