

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

CRIMINAL APPLICATION NO.2790 OF 2017

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|---|---|-----------------------|
| 1 | Balu s/o Keshav Tribhuvan
Age 45 years, Occu: Agri | ... Applicants |
| 2 | Anil s/o Ashok Tribhuvan
Age 30 years, Occu: Agri. | |
| 3 | Kiran s/o Ashok Tribhuvan
Age 25 years, Occu: Agri. | |
| 4 | Sandip s/o Ashok Tribhuvan
Age 24 years, Occu: Agril | |

VERSUS

The State of Maharashtra Through the Investigating Officer, Police Station Virgaon Tq. Vaijapur Dist. Aurangabad.	... Respondent
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Mr. M. B. Sandanshiv, Advocate for the applicants
Mr. K. N. Lokhande, APP for the State.

CORAM : K. L. WADANE, J.

DATE : 22nd June, 2017

ORDER:

1. Heard Mr. Sandanshiv, learned counsel for the applicant and Mr. Lokhande, learned APP for the State.

2. Present Criminal Application is filed under section 438 of the Code of Criminal Procedure for grant of anticipatory bail in connection with Crime No. 99/2017, registered with Virgaon Police Station, Taluka Vaijapur, District Aurangabad for the offences punishable under sections 326, 323, 147, 148, 149 read

with section 34 of the Indian Penal Code, 1860.

3. Mr. Sandanshiv, the learned counsel for the applicants is not pressing the application for applicant no.1 Balu, and Applicant No.3 Kiran.

4. On perusal of the first information report, it appears that on 16th May, 2017, when victim Kailas Tribhuvan was going to his field to start electric motor, at that time, accused Nos. 1 and 3 have abused him and assaulted him by means of Axe and stick. Applicant Nos. 2 and 4 abused him and assaulted him by kick and fist blows.

5. Looking to the nature of allegations, there are only allegations against applicants Nos. 2 and 4 that they have abused and assaulted the complainant with kick and fist blows.

6. In view of the above circumstance, I am of the opinion that custodial interrogation of Applicant Nos. 2 and 4 is not needed and therefore, they be enlarged on anticipatory bail. Hence following order:

O R D E R

- i. In the event of arrest of applicant No.2 Anil s/o Ashok Tribhuvan and Applicant No.4 Sandip

Ashok Tribhuvan in connection with Crime No. 99/2017, registered with Virgaon Police Station, Taluka Vaijapur, District Aurangabad, they shall be released on bail on their executing P.R. Bond of Rs. 10,000/- [Rs. Ten Thousand only] each, with one solvent surety in the like amount.

- ii. Applicant Nos. 2 and 3 shall not tamper with prosecution evidence in any manner and shall cooperate with the further investigation.
- iii. Criminal application disposed of.

(K. L. WADANE, J.)

JPC