

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

CRIMINAL APPLICATION NO. 2810 OF 2017

1. Machhindra s/o Ajinath Pawar ... **Applicants**
Age 28 years, Occu: Labour work
2. Sagar s/o Dharma Khandagale
Age 24 years, Occu: Labour work
3. Sushil s/o Ajinath Pawar
Age 22 years, Occu: Labour Work
4. Ajinath @ Hajju s/o Devram
Pawar
Age 48 years, Occu: Labour Work

All R/o Bharaskar Colony, Ward
No.15, Laltaki, Ahmednagar,
Tq. & Dist. Ahmednagar

VERSUS

The State of Maharashtra ... **Respondent**
Through Police Inspector,
Tophkhana Police Station,
Ahmednagar.

WITH

CRIMINAL APPLICATION NO. 2811 OF 2017

1. Rupali d/o Ajinath Pawar ... **Applicants**
Age 18 years, Occu: Household,
2. Sindhu Ajinath Pawar
Age 40 years, Occu: Labour work
3. Lata Devram Pawar
Age 35 years, Occu: Labour Work
4. Dattu s/o Devram Pawar
Age 40 years, Occu: Labour Work
5. Anil s/o Sampat Bore
Age 25 years, Occu: Labour work

All R/o Bharaskar Colony, Ward
No.15, Laltaki, Ahmednagar,
Tq. & Dist. Ahmednagar

VERSUS

The State of Maharashtra **... Respondent**
Through Police Inspector,
Tophkhana Police Station,
Ahmednagar.

Mr. Panditrao S. Anerao, Advocate for the applicants
Mr.A. D. Namde, APP for the Respondent-State

CORAM : K. L. WADANE, J.

DATE : 22nd June, 2017

ORDER:

1. Heard Mr.Anerao, learned counsel for the applicants and Mr. Namde, learned APP for the State.
2. Present Criminal Applications are filed under section 438 of the Code of Criminal Procedure for grant of anticipatory bail in connection with Crime No. I-115/2017, registered with Tophkhana Police Station, District Ahmednagar for the offences punishable under sections 143, 147, 148, 149, 326, 323 of the Indian Penal Code and Sections 37(1) (3)/135 of the Mumbai Police Act.
3. Learned counsel for the applicants submits that during the pendency of the present application,

applicant No.1 and Applicant No.3 in Criminal Application No. 2810/2017 were arrested.

4. The learned counsel for the applicant submits that previously one of the accused, namely Rupali Pawar lodged complaint against the present informant and some persons of his party. Therefore the present applicants have been falsely implicated in the present case.

5. Perused the contents of the First information report, from which, it appears that there are specific allegations against all the applicants in Criminal Application No. 2810/2017 and Applicant No. 1- Rupali Criminal Application No. 2811/2017. It is alleged that they have assaulted the brother-in-law of the complainant by means weapons such as knife, wooden stick and fighter and stones, kick and blows, due to which, brother-in-law of the informant was seriously injured and become unconscious. Therefore initially he was taken to the Civil Hospital and subsequently he was referred and shifted to Ruby Hospital. So far as applicant Nos. 2 to 5 in Criminal Application No. 2811/2017 are concerned

there is no specific allegation against them.

6. In view of the above circumstance, looking to the nature of accusations against applicants Criminal Application No. 2810/2017 and Applicant No. 1- Rupali Criminal Application No. 2811/2017, they are not entitled for anticipatory Bail. However, since there are no specific allegations against accused Nos. 2 to 5 in Criminal Application No. 2811/2017, I am of the opinion that their custodial interrogation is not needed and can be enlarged on anticipatory bail. Hence following order:

O R D E R

- i. Criminal application No. 2810/2017 is rejected.
- ii. Criminal application No. 2811/2017 is partly allowed.
- iii. In the event of arrest of the applicant No.2- Sindhu, 3) Lata, 4) Dattu and 5) Anil in Criminal Application No. 2811/2017 in connection with Crime No. I-115/2017, registered with Tophkhana Police Station,

District Ahmednagar, they shall be released on bail on their executing P.R. Bond of Rs. 5,000/- [Rs. Five thousand only] each, with one solvent surety in the like amount.

- iv. Applicant Nos. 2 to 5 in Criminal Application No. 2811/2017 shall not tamper with evidence prosecution in any manner.

(K. L. WADANE, J.)

JPC