

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO. 2951 OF 2017

- 1 Rajesaheb s/o Tukaram Shinde, ... **Applicants.**
Age 54 years, Occ. Agriculture,
R/o. Hingani (kh) Tq. Dharur,
District Beed.
- 2 Deelip s/o Pandurang Solanke,
Age 56 years, Occ. Service, R/o.
As above.
- 3 Sandipan s/o Pandurang Solanke,
Age 59 years, Occ. Service, R/o.
As above.

V E R S U S

The State of Maharashtra. ... **Respondent.**
Through Police Officer, Dindrud
Police Station, Tq. Majalgaon,
District Beed.

Mr. N. V. Gaware, learned Advocate for the Applicants.
Mr. S.B. Joshi, A.P.P. for the respondent/State

CORAM : K.L. WADANE, J.

DATE : 25th July, 2017

ORDER :

1. Heard Mr. Gaware, learned counsel appearing
for the applicants and Mr. Joshi, learned APP
appearing for the respondent/state.

2. On 06.05.2017 one Mr. Atul Solanke lodged
first information report alleging that, on 06.05.2017
at about 9 a.m. another accused persons namely Ashok

Solanke, Mahesh Solanke and Umesh Solanke were digging a soak-pit behind his house. At that time Atul asked him to dig soak-pit behind his house, as the said place is not belonging either to informant or the accused persons. It is further alleged that, after taking meal accused Atul went there and saw that Mahesh was digging the soak-pit. At that time present applicants and other accused persons came there. Another accused Avinash Solanke and Rama Solanke were possessing sword. They assaulted on his head by means of sword, due to which he sustained head injury and the other accused persons pelted stones. Antak Solanke assaulted him by means of iron rod. Applicant No. 2 assaulted him by means of iron rod. Applicant No. 1 was possessing iron rod. In the assault informant sustained head injuries. On the basis of the information lodged by the informant offence came to be registered at Crime No. 87/2017 for the offences punishable under section 307, 143, 147, 148, 149, 324, 504, 506 of the Indian Penal Code.

3. I have gone through the contents of the first information report as well as the papers of

investigation. While passing the order dated 12.07.2017 this Court has directed the investigating officer to verify the certificate issued by Shrikrishna Accident Hospital, wherein it is mentioned that, applicant No. 1 Rajesaheb was under treatment from 04.05.2017 and to verify the genuineness of another certificate issued by the Security Officer Lokneta Sundarraoji Solanke S.S.K. Ltd., Sundarnagar, who issued certificate stating that applicant No. 3 Sandipan was on duty on 06.05.2017 between 9 a.m. to 5 p.m. and the duty register of the security guards who were on duty on 06.05.2017 between 9 a.m. to 5 p.m. wherein the name of the applicant No. 3 Sandipan is mentioned.

4. Pursuance to the order, investigating officer investigated the matter and reported that the applicant No. 1 Rajesaheb was an indoor patient in Shrikrishna Hospital Parali during the period from 04.05.2017 to 10.05.2017. Further the investigating officer has reported that, the applicant No. 3 Sandipan was on duty on 06.05.2017 from 9 a.m. to 5 p.m. He was on duty at the point diesel pump and was

alone on duty.

5. So, from the investigation, it appears that the above certificates issued showing the presence of the applicants No. 1 and 3 at their respective places mentioned in the certificate. This goes to show that the names of the applicants No. 1 and 3 have been falsely implicated by the informant. Their specific role or act is also been seems to be imaginary.

6. Mr. Gaware learned counsel further submits that, the applicant No. 2 is serving in forest department as a forest labour. On the day of incident he was also on his duty. But the applicants unable to produce the documentary evidence to that effect.

7. In vie of the above, even, the investigating officer has collected material showing that the applicants No. 1 and 3 were not at all present at the spot of incident. Therefore, the possibility of incident being coloured cannot be ruled out. In vie of the above, I am of the opinion that the applicants No. 1 to 3 can be protected from their arrest. Hence, following order.

O R D E R.

(1) Application is allowed.

(2) In the event of arrest of the applicants No. 1 to 3 in connection with Crime No. 87 of 2017, registered with Dindrud Police station, District Beed, they be released on bail on their furnishing P.R. bond of Rs. 10,000/- (Rupees ten thousand only) each, with one surety in the like amount.

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

8. Criminal Application is disposed-of.

(K.L. WADANE, J.)

mkd/-