

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO. 2952 OF 2017

- 1 Antak Pandurang Solanke, Age 51 ... **Applicants.**
 years, Occ. Agriculture, R/o.
 Hingani (kh) Tq. Dharur,
 District Beed.
- 2 Mahesh s/o Antak Solanke, Age
 23 years, Occ. Agriculture, R/o.
 As above.
- 3 Umesh s/o Antak Solanke, Age 21
 years, Occ. Agriculture, R/o. As
 above.
- 4 Rama s/o Sandipan Solanke, Age
 27 years, Occ. Agriculture, R/o.
 As above.
- 5 Avinash s/o Deelip Solanke, Age
 27 years, Occ. Agriculture, R/o.
 As above.
- 6 Hanumant s/o Sandipan Solanke,
 Age 30 years, Occ. Agriculture,
 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. Mr. Gaware, learned counsel, has not pressed the prayer of pre-arrest bail for the applicants No. 1, 2, 4 and 5.

3. 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 person namely Ashok Solanke, applicant No. 2 Mahesh Solanke and applicant No. 3 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. Applicant No. 5 Avinash Solanke and applicant No. 4 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. Applicant No. 1 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.

4. From the contents of the first information report it appears that the applicants against whom there are serious allegations and their specific role is attributed they have not pressed their pre-arrest bail.

5. Mr. Gaware learned counsel submits that the allegations against the applicants No. 3 and 6 are vague and general in nature. There are no specific allegations against these two applicants namely Umesh Antak Solanke and Hanumant Sandipan Solanke about overt act or even act. There are no specific

allegations against these two applicants about assaulting the informant or the injured witnesses.

6. In view of the circumstances, applicants No. 3 and 6 can be protected from their arrest. Hence, following order.

O R D E R.

(1) Application is partly allowed.

(2) In the event of arrest of the applicant No. 3 Umesh Antak Solanke and applicant No. 6 Hanumant s/o Sandipan Solanke 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.

7. Criminal Application is disposed-of.

(K.L. WADANE, J.)

mkd/-