

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO. 3045 OF 2017

- 1 Sahebrao s/o Motiram Arsule, Age 72 years, Occ. Agriculture, R/o. Sanmitra Colony, Nanded, District Nanded. ... **Applicants.**
- 2 Nirmalabai w/o Sahebrao Arsule, Age 60 years, Occ. Agriculture & Household, R/o. Sanmitra Colony, Nanded, District Nanded.
- 3 Balaji s/o Sahebrao Arsule, Age 40 years, Occ. Agriculture, R/o. Sanmitra Colony, Nanded, District Nanded.
- 4 Ashabai w/o Balaji Arsule, Age 35 years, Occ. Police Patil, R/o. Sanmitra Colony, Nanded, District Nanded.

V E R S U S

The State of Maharashtra. Through Bhagyanagar Police Station Nanded, Tq. Bhagyanagar, District Nanded. **Respondent.**

Mr. S.S. Gangakhedkar, learned counsel for the Applicants
Mr. A.A. Jakatkar, A.P.P. for the respondent/State

CORAM : K.L. WADANE, J.
DATE : 06 th July, 2017

ORDER :

1. Heard Mr. Gangakhedkar, learned counsel appearing for the applicants. He has "not pressed" the application for applicants No. 1 and 3.

2. I have perused the first information report from which it appears that, the complainant Govind Raosaheb Arsule lodged complaint alleging that on 30.05.2017 at about 7 to 7.30 p.m. when he returned from Parbhai Court, at that time his uncle Sahebrao (applicant No. 1) and cousin brother Balaji (applicant No. 3) picked up quarrel due to tap water. After hearing noise one Gajanan who is the son of the applicant No. 1 came there armed with dagger and in order to kill the informant he assaulted on his head. The brother and wife of the informant came there to rescue the scuffle. At that time Gajanan assaulted them by dagger. The applicant No. 3 Balaji assaulted the mother of informant by means of iron rod and the accused No. 2 and 4 namely; Nirmalabai and Ashabai were abetting to kill the complainant.

3. Looking to the allegations against the applicants No. 2 and 4 it appears that those are related to the abetment to the other accused persons

to kill. I have gone through the medical certificate of Govind as well as Tejswini. From the same it appears that, they have sustained simple injuries, due to hard and blunt object.

4. Without going into the merits of the matter in deep at this stage, I am of the opinion that, the custodial interrogation of the applicants No. 2 and 4 is not necessary, since there are no allegations against these applicants about using of any particular weapon or assaulting the informant or the injured witnesses. Hence, following order.

O R D E R.

(1) Application is allowed.

(2) In the event of arrest of the applicants No. 2 and 4 in connection with Crime No.186 of 2017, registered with Bhagya Nagar Police Station District Nanded, 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-accused shall not tamper with

the prosecution evidence in any manner. They shall not enter the vicinity where the informant and witnesses are residing, till filing of the charge-sheet.

4) Criminal Application is disposed-of.

(K.L. WADANE, J.)

mkd/-