

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO. 3360 OF 2017

1) ASARAM S/O. LAXMAN WAKALE
2) SITARAM S/O LAXMAN WAKALE
VERSUS
THE STATE OF MAHARASHTRA

...
Advocate for Applicants : Mr. R. S. Shinde h/f Mr. V. P. Latange
APP for Respondents: Mr. A.P. Basarkar
.....

CORAM : V. K. JADHAV, J.
DATED : 16th AUGUST, 2017

PER COURT:-

1. The applicants are seeking pre-arrest bail in connection with crime No. 0128/2017 registered at Sengaoon police station, district Hingoli for the offences punishable under sections 307, 342, 323, 324, 427, 504, 506, 34 of I.P.C. The application of the applicants with similar prayer bearing criminal (Misc.) bail application No. 142 of 2017 came to be rejected by the Additional Sessions Judge, Hingoli, on 1.7.2017.

2. Brief facts giving rise to the present application are as follows:-

On the basis of complaint lodged by one Sunil Sheshrao Rathod, on 5.6.2017, the aforesaid crime came to be registered. It has been alleged in the complaint that on 5.6.2017 at about 10.00

a.m. when the complainant was returning from the shop of Gopal at his village Dongargaon, the present applicants and co-accused obstructed him. On account of previous quarrel beaten him with the help of iron pipe. On the basis of these allegations, aforesaid crime came to be registered and thus applicants apprehend their arrest at the hands of police.

3. Learned counsel for the applicants submits that no specific role has been assigned to both the applicants and only general allegations have been made against them. Learned counsel submits that the allegations have been made mainly against the co-accused Amol Wakale and Mangesh Wakale and both of them are released on regular bail by the court below.

4. Learned A.P.P. has strongly resisted the application on the ground that applicant No.2 alongwith co-accused were armed with weapon iron pipe and also beaten the complainant. Learned A.P.P. submits that the complainant has sustained injuries on frontal region and occipital region, scalp and also sustained contusion injuries on left and right wrists. Learned counsel submits that the applicants are trouble makers and even on earlier occasion also a crime is registered against them for having committed the offences punishable under sections 326 r.w. 149 of I.P.C. Learned A.P.P.

submits that the applicants are from same village and as such there is possibility of tampering with the prosecution evidence.

5. On perusal of complaint and the investigation papers, it appears that no specific role is assigned to both the applicants. So far as applicant No.2 is concerned, general allegations have been made against him. It has been specifically alleged in the complaint that co-accused Amol had given a blow of iron pipe on the head of the complainant Sunil. There are general allegations that the present applicant No.2 and co-accused Amol and Mangesh were carrying weapons iron pipes with them and beaten the complainant with the help of the same. Co-accused Amol and Mangesh are already released on regular bail by the court below. Therefore, custodial interrogation of the present applicants is not required. So far as the possibility of tampering with the prosecution evidence is concerned, the same can be taken care by imposing certain conditions. Hence, I proceed to pass the following order:-

O R D E R

- I. Criminal application is hereby allowed.
- II. In the event of their arrest, in connection with crime No. 0128/2017 registered at Sengaon police station, District Hingoli,

the applicants (1) Asaram Laxman Wakale and (2) Sitaram Laxman Wakele be released on bail, on furnishing personal bond of Rs.15,000/- each, with one surety of the like amount by each of them, on the following conditions:-

- a) The applicants shall not tamper with the prosecution evidence, in any manner.
- b) The applicants shall not enter in village Dongargaon till filing of charge sheet.

III. Criminal application is disposed of.

(V. K. JADHAV, J.)

rlj/