

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

CRIMINAL APPLICATION NO. 3364 OF 2017

PAPPU @ NANASAHEB AMBADAS PALVE
VERSUS
THE STATE OF MAHARASHTRA

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Advocate for Applicant : Mr Ostwal Abhaykumar D
APP for Respondents: Mr A A Jagatkar

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WITH

APPLN/3598/2017

AMOL BABURAO GARJE
VERSUS
THE STATE OF MAHARASHTRA.

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Mr Joydeep Chatterjee advocate for applicant.
Mr A A Jagatkar APP for respondent State

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CORAM : V.K. JADHAV, J.

Dated: August 07, 2017

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PER COURT :-

1. The applicants in both these applications are seeking Pre-arrest bail in connection with Crime no.282/2017, registered with Pathardi police Station, District Ahmednagar, for the offences punishable under sections 143, 147, 148, 149, 323, 504, 506, 307 of the Indian Penal Code.

2. The application seeking similar relief came to be rejected by the Additional Sessions Judge, Ahmednagar, by order dated 20.6.2017 in M.A. No.696/2017 and by order dated 13.6.2017 in MA No.631/2017.

3. This Court by order dated 5.7.2017 in criminal application 3364/2017 and by order dated 19.7.2017 in criminal application no.3598/2017 granted interim pre-arrest bail to both the applicants.

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

On the basis of the complaint lodged by one Imran Razzak Sayyed dated 20.5.2017 aforesaid crime came to be registered. It has been alleged in the complaint that, on 19.5.2017 at about 09.00 p.m. present applicant alongwith other three persons formed an unlawful assembly and in prosecution of their common unlawful object assaulted the complainant and his associate Arbaz. It has been further alleged in the complaint that, accused, who is juvenile in conflict with law has

inflicted injury with the help of knife on the chest of said Arbaz.

5. Learned counsel for the applicant submits that, so far as present applicant/s are concerned, there are no direct allegations in the complaint about their involvement in the alleged crime. There are vague allegations in the complaint. During the course of investigation, weapon knife came to be recovered and as such, custodial interrogation of the present applicant/s is not required. Learned counsel for the applicants in both these applications submit that the applicants have fixed place of residents and they are easily available for the trial. Learned counsel submits that investigation is almost over and formality of filing of the charge sheet is only remained.

6. The learned APP has strongly opposed the application on the ground that, the applicants were the members of an unlawful assembly and in prosecution of the common unlawful object of the assembly, they have

assaulted the complainant and his associate Arbaz. It has been specifically alleged in the complaint that these two applicants caught hold of victim Arbaz and hereafter main culprit Sonu Pawar inflicted a blow of knife on the stomach and chest of said Arbaz. The learned APP submits that, there is prima facie strong case against the applicants and therefore both the applications are liable to be rejected.

7. On perusal of the contents of the complaint and investigation papers, it appears that though the complainant has alleged in the complaint that these applicants caught hold of victim Arbaz, during the course of the investigation, statement of victim Arbaz came to be recorded by the Investigating Officer. On perusal of the same, it appears that said accused namely Sonu Pawar juvenile in conflict with law, has actually chased victim Arbaz up to some distance and thereafter inflicted the injuries on his person with the help of knife. Injured witness Arbaz has nowhere stated in his statement that these two applicants caught hold

him thereafter said Sonu Pawar inflicted injuries on his person. Otherwise also, investigation is almost over for all practical purposes and mere formality of filing charge sheet is only remained. In the given set of facts, custodial interrogation of the present applicants is not required and knife also came to be recovered at the instance of the said accused Sonu Pawar.

8. In view of the same, interim order of pre-arrest bail dated 5.7.2017 passed in criminal application no.3364/2017 and interim order of pre-arrest bail dated 19.7.2017 in criminal application no.3598/2017 stand confirmed.

9. Both these criminal applications are accordingly disposed of.

(V.K. JADHAV, J.)

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