

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

CRIMINAL APPLICATION NO. 3423 OF 2017

Prakash Abasaheb Garud **... Applicant**
Age 45 Years, Occu: Service
R/o Shivram Nagar, Parbhani,
Tq. & Dist. Parbhani

VERSUS

The State of Maharashtra **... Respondent**
Through Police Inspector,
Police Station Tadkalas,
District Parbhani

Mr. V. D. Salunke, Advocate for the applicant
Mr. A. S. Shinde, APP for the State.

CORAM : K. L. WADANE, J.

DATE : 31st July, 2017

ORDER:

1. Heard Mr. Salunke, learned counsel for the applicant and Mr. Shinde, learned APP for the State.

2. Present Criminal Application is filed under section 438 of the Code of Criminal Procedure for grant of anticipatory bail in connection with Crime No.113/2017, registered with Tadkalas Police Station, District Parbhani for the offences punishable under sections 327, 324, 143, 147, 148, 149, 504 of the Indian Penal Code.

3. One Jagannath Sopanrao Awachar lodged complaint with the police station alleging that when

he was going to his field Gat No.190, one Balu Garud informed him that work of digging of trench is going on in his field. The informant rushed to the field and noticed that the work of digging of trench with the help of JCB was going on in his field and accused persons were present there. The informant asked the accused persons, as to why they came there and asked the JCB driver not to do work, upon which the applicant abused the informant and other accused persons assaulted the informant and have snatched some amount from the pocket of the informant and some gold ornaments from the person of the informant and his wife.

4. Material allegations of taking away the cash and golden ornaments are against the other accused persons. Allegation against the present applicant is that he was instigating and abetting other accused persons. In view of the allegation against the present applicant, I am of the opinion that nothing is to be recovered from the applicant. Mr. Salunke, the learned counsel submits that the applicant is serving in DCC Bank, Parbhani.

5. In view of the above, the applicant can be

protected from his arrest. Hence following order:

O R D E R

- i. The Criminal application is allowed.
- ii. In the event of arrest of the applicant in connection with rime No.113/2017, registered with Tadkalas Police Station, District Parbhani, he shall be released on bail on his executing P.R. and S. B. of Rs. 10,000/- [Rs. Ten thousand only], with one solvent surety in the like amount.
- iii. Te applicant shall not tamper with evidence of prosecution and shall cooperate with further investigation.
- iv. Criminal application disposed of.

(K. L. WADANE, J.)

JPC