

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO. 4239 OF 2012

Harshwardhan @ Harshu Vitthal
Khandare and others

APPLICANTS

VERSUS

The State of Maharashtra

RESPONDENT

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Mr. B.S. Kudale, advocate for the applicants.

Mr. P.P. More, A.P.P. for the Respondent-State.

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CORAM : M.T. JOSHI, J.

DATED : 28th September, 2012

ORAL ORDER:

1. Heard both sides.
2. Apprehending arrest at the hands of Hingoli (Rural) Police Station, District Hingoli, in connection with Crime No. 76/2012 for the offences punishable under section 326, 143, 149, 323, 504 of the I.P. Code, the present applicants are praying for their release on anticipatory bail.
3. The allegations in the FiR would show that on 29th July, 2012, present applicants alongwith certain other named persons and one Kaduji Kamble, in the night at about 10 p.m., went to the house of the complainant. There, over the previous enmity, while

the present applicants beat the complainant with fists and kicks, Kaduji Kamble, one of the members of the mob who had also brought a can of kerosene, poured kerosene on the person of the complainant and set him on fire. In the circumstances, the complaint came to be filed.

4. Learned counsel for the applicants submits that the complaint is filed six days after the alleged incident. He submits that one of the co-accused, namely, Sunil Kamble is already released on bail by the Sessions Court. In the circumstances, he submits that the applicants be released on anticipatory bail.

5. Learned A.P.P. opposed the application. He submits that the material on record would prima facie show that the applicants alongwith other persons by making preparation, had gone to the house of the complainant with kerosene can and chilly powder. The injury certificate shows that the complainant has received 15% burn injuries. One of the injuries is certified to be a grievous injury. In the circumstances, they submit that the application be

dismissed.

6. Taking into consideration overall facts of the case and the injury certificate, though one of the co-accused is released on bail and considering the prima facie allegations that the mob had prepared to immolate the complainant, in my view, this is not a fit case for grant of anticipatory bail to the applicants. The application is, therefore, dismissed.

[M.T. JOSHI]
JUDGE

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