

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

CRIMINAL APPLICATION NO. 2785 OF 2014

GANESH BABU CHAVAN
VERSUS
THE STATE OF MAHARASHTRA

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Advocate for Applicant : Mr. S.B. Ghatol Patil
APP for Respondents: Mr. S.R.Palnitkar

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**CORAM : V.K. JADHAV, J.
(VACATION COURT)
Dated: May 30, 2014**

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PER COURT :-

1. Heard the learned counsel for the applicant and learned APP for the State. Read the application, perused the investigation papers.

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

On the basis of the complaint lodged by one Parubai Pawar dated 21.3.2014, Crime No.24/2014 for the offence punishable under section 452, 435, 436, 427, 143 r/w 34 of Indian Penal Code came to be registered at Police Station Pimpaldari, Tq. Gangakhed, District Parbhani. It has alleged in

the complaint that on 19.3.2014 in the morning between 09.00 to 09.30 am at the residence of the complainant seven persons including the present applicant arrived. Co-accused Subhash Rathod was carrying kerosene can of 5 liters in his hand. It has further alleged that, rest of persons put streams of cotton over house and tractor and set on fire the Akhada and tractor and caused a loss to the tune of Rs.7,75,000/-. On the basis of these allegations the applicant came to be arrested on 28.3.2014. Thus, he has filed present application for getting release on bail. His application for similar prayer came to be rejected by the Additional Sessions Judge, Gangakhed vide order dated 9.5.2014 passed in Criminal M.A.No.93/2014. The application is mainly rejected by the Additional Sessions Judge, Gangakhed on the ground that investigation is still in progress.

3. It appears that there is a previous enmity between the parties and on the basis of the complaint lodged by mother of the present applicant, crime came to be registered against the husband and sons of the complainant for the offence punishable u/s 302 of IPC. On careful perusal of the complaint, it appears

that no specific role is assigned to the applicant and there are general allegations against him. There is no reason to refuse bail to the applicant merely on the ground that the other co-accused are not yet arrested. Thus, by imposing certain conditions, the applicant can be released on bail. Hence, following order.

ORDER

1. The application is hereby allowed.
2. The applicant - Ganesh s/o Babu Chavan be released on bail on furnishing personal bond of Rs.25,000/- (Rs. Twenty Five Thousand) with one solvent surety of the like amount on the following conditions :-
 - a] The applicant shall not tamper with the prosecution evidence in any manner.
 - b] The applicant shall attend the concerned police station on every SUNDAY between 08.00 am to 11.00 am and shall cooperate the investigation till filing of the charge sheet.
3. Bail before the Lower Court.
4. Application stands disposed of.

(V.K. JADHAV, J.)
(VACATION COURT)

aaa/-
