

FARAD CONTINUATION SHEET NO.
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD.
APPELLATE SIDE JURISDICTION

Office Memoranda of appearance, directions and orders.	Notes, of Court's orders and Registrar's	Office Coram,	Court's or Judge's orders.
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CRIMINAL APPLICATION NO.: 154 OF 2015

PANDURANG DIPCHAND KOLI AND OTHERS

VERSUS

THE STATE OF MAHARASHTRA AND ANOTHER

WITH

APPLN/203/2015

MANGESH DILIP WANKHEDE (PATIL)

VERSUS

THE STATE OF MAHARASHTRA AND ANOTHER

WITH

APPLN/548/2015

IN

APPLN/154/2015

MANGESH S/O DILIP WANKHEDE (PATIL)

VERSUS

THE STATE OF MAHARASHTRA AND OTHERS

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Advocate for Applicants : Mr. Pawar Pawan B./ Mr. Autade
K. B.

APP for Respondent Nos.1 and 2: Mr. M. M. Nerlikar.

CORAM: T. V. NALAWADE, J.
DATED: 9th FEBRUARY, 2015.

PER COURT:

1. All the matters were considered and heard together as they are apparently arising out of the same incident.
2. During arguments, learned counsel for the Applicant from Proceeding No.203 of 2015 submitted that, on instructions, he wants to withdraw the application. Argument was advanced exhaustively and this Court expressed that this Court is not inclined to grant the relief to the Applicant Shri Mangesh. So, his application is disposed of as withdrawn.
3. The application filed by Mangesh No.548 of 2015 seeking permission to assist learned A.P.P. is allowed. Learned counsel was allowed to assist learned A.P.P.
4. Criminal Application No.154 of 2015 is filed in Crime No..110 of 2014 registered in Nardana Police Station, Tq. Shindkheda, District Dhule on 17th December, 2014 for offence punishable under section 395, 326, 427, 149 etc. of I.P.C. The crime is registered on the basis of report given by one Mangesh Wankhede. He has made allegation that in the incident dated 10th December, 2014 when he and his brother Vilas were

proceeding in a vehicle, at a distance of 100 - 150 meter from their house, their vehicle was intercepted by persons like Laxman Yelwe, Yuvraj Aakhadmal, Sakharlal Koli etc. and they picked up quarrel with them. He contended that out of previous enmity they started assaulting him and his brother. During incident a gold chain of 1-1/2 Tola, which he was wearing, was snatched and somebody took it away. According to him, cash amount of Rs.16,000/-, which was with him, was taken by Yuvraj and damage was caused to the vehicle. In respect of incident dated 10th December, 2014 crime was registered on 17th December, 2014.

5. This Court has perused the papers of investigation. Though the spot of offence described by Mangesh is different in this crime, than the spot of incident described by other side, some incident did take place. Only because the delay is caused in giving report of the incident and the vague allegations made as against applicant Nos.1 and 4, this Court holds that protection can be given to them. Submissions made by learned A.P.P. show that there was previous enmity between the family of Koli and family of Wankhede and Laxman Koli had bad antecedents.

6. During the course of arguments, when this Court was dictating the order, the learned counsel for the applicant Nos.2 and 3 (Laxman and Subhash) submitted, on instructions, that he wants to withdraw their application. Arguments were advanced exhaustively for them and this Court expressed that the Court is not inclined to grant relief to them. So, the Criminal Application No.154 of 2015 to the extent of Applicant No.2 Laxman and Applicant No.3 Subhash is disposed of as withdrawn.

7. The Criminal Application No.154 of 2015 filed by Applicant No.1 Pandurang Koli and Applicant No.4 Yogesh Mali @ Bhavdya Mali is allowed. Interim relief granted in favour of Applicant No.1 Pandurang is confirmed.

8. In case of arrest of Applicant No.4 Yogesh Mali in aforesaid Crime No.110 of 2014 registered at Nardana Police Station, Tq. Shindkheda, District Dhule, for offence punishable under sections 395, 326, 427, 143, 149 etc. of I.P.C., he is to be released on bail on his furnishing P.R. and S.B. of Rs.15,000/-. He is not to tamper with prosecution witness and not to commit similar offence.

9. Applicant No.1 Pandurang and Applicant No.4

Yogesh from Criminal Application No.154 of 2015 to attend the concerned police station on every Sunday between 09.00 A.M. and 12.00 Noon for a period of one month and cooperate the police during investigation.

[T. V. NALAWADE, J.]

Dt.09/02/2015
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