

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.: 563 OF 2015

SANDIP S/O ACHYUT GODASE & ORS
VERSUS
THE STATE OF MAHARASHTRA

WITH

APPLN/616/2015
BALAJI S/O HANMANT GODSE AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA

Advocate for the Applicants: Mr. Sachin S. Panale/ Mr. Awale Girish L.

APP for the Respondent: Mr. N. B. Patil.

CORAM: T. V. NALAWADE, J.
DATED: 3rd MARCH, 2015.

PER COURT:

1. Both these applications are filed for bail. Both the sides are heard. This Court has perused the papers of investigation.

4. The crime is registered on the basis of report given by one Nikhil Daware. According to him, on 30th November,

2014 at about 05.00 p.m. he was present with his girl friend at some distance from Ankoli and he was on motorcycle. According to him, in a white car bearing No.MH-31-AG-6609 6 persons came to them and they started assaulting him and his girl friend by kick blows and fists and even by using belt. They were pulling even the girl friend and one of them was doing the video shooting of this incident. Then Balaji Godse asked his colleagues to take every article from the complainant and his girl friend. Upon that, they took away the cash amount of Rs.1,389/-, his sport writ watch worth Rs.400/- etc. They searched the money purse of the girl friend but she was having only the books. While leaving they said that they were members of GANIMIKAWA Sanghatna. They said that they would put the video clip on Whatsup and Face book. On their car also the words Jay Maharashtra were found to be written. Due to fear the complainant did not disclose the incident to anybody but this clip was circulated by the accused persons, applicants and then this clip came on ABP channel also as a news item. After that, the friends and relatives of the complainant convinced him and gave him courage and then he approached police. Then, he filed report on 16th January, 2015 and the crime came to be registered for offence under sections 395 of I.P.C. and 66-A of Information Technology Act.

5. The submissions made show that the applicants,

accused are behind bars since 16th January, 2015 and 18th January, 2015, thus for a period of more than 1-1/2 months. It can be said that the persons like the applicants are pressurising others and even they are making money and by virtually robbing the others. They are creating rift in the society also, many a times in the names of religion and casts. It can be said that such persons need to be dealt with severely.

6. Submissions made show that as against accused, applicant Balaji one more crime was registered in the past for offence under section 324 read with 149 of I.P.C. It can be said that such activities are started recently by some associations. The previous offence registered against Balaji was not of the present nature. Only due to these circumstances, this Court holds that an opportunity can be given to the applicants to improve. Their ages are given as 19 years, 27 years and the eldest man is Balaji who is aged 34 years. Balaji appears to be their leader. In view of these circumstances, following order is made:

7. Both the applications are allowed. Applicant No.1 Balaji Godse from Criminal Application No.616 of 2015 is to be released on bail on his furnishing P.R. and S.B. of Rs.50,000/- with one solvent surety of the like amount. He is to be released only after depositing Rs.25,000/- by him in the case. This amount is to be kept in the case. It would be

subject to the decision of the case as the Court may grant compensation also to the victims.

8. He is not to commit similar offence. He is not to tamper with the prosecution witnesses. He is not to enter Latur district for a period of six months after getting released on bail. He can, however, come to the Court only for attending the Court and prior to entering Latur district he should first inform the concerned police station and then enter the district and then go to the Court. He should leave the district immediately after attending the Court.

9. The other applicants are to be released on their furnishing P.R. and S.B. of Rs.15,000/- by each of them. They are to be released subject to their depositing Rs.10,000/- by each of them in the Court. This amount will be kept in the case. It will also be subject to the decision of the case. They are not to tamper prosecution witnesses. They are not to commit similar offence.

[T. V. NALAWADE, J.]

Dt.03/03/2015
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