

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO. 1974 OF 2015

1. Pawan s/o Shankarrao Kadam,
Age : 28 years, Occu. Student,
R/o Laglud, at present R/o
Durga Niwasa, House No. 1212,
Hatti Ganpati Chowk, Sadashivpeth,
Pune

2. Vijay s/o Marotirao Kadam,
Age : 48 years, Occu. Agri.,
R/o Laglud, Tq. Bhokar,
District Nanded

APPLICANTS

VERSUS

1. The State of Maharashtra

2. The Deputy Superintendent
of Police, Nanded

RESPONDENTS

Mr. R.N. Dhorde, Senior Advocate instructed by
Mr. Vikram R. Dhorde, Advocate for the applicants.
Mr. V.P. Kadam, A.P.P. for the respondents-State

CORAM : M.T. JOSHI, J.

DATE : 29/04/2015

ORAL ORDER :

1. Heard both sides.
2. The present applicants, who are apprehending
their arrest at the hands of Bhokar Police Station,

District Nanded, in Crime No. 119/2014, initially registered for the offences punishable under section 147, 149, 302, 323, 504 of the Indian Penal Code and under section 3 (1) (x), 3 (2) (5) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, are praying for their release on bail in the event of their arrest. Now, admittedly, however, the Investigating Officer has deleted the offence punishable under section 302 of the I.P. Code.

. The applicants' earlier application, for the similar relief, bearing Criminal Application No. 6539/2014 was dismissed by this Court on 8th December, 2014.

3. The F.I.R. would show that due to the earlier rivalry arising out of issue of certain alleged fake caste certificate and due to the elections, the incident has occurred on the road when the complainant and his father were assaulted by the persons named in the FIR. It is further alleged in the FIR that those named accused had also insulted the deceased and the complainant over their caste. The names of the present applicants do not figure in the FIR and their names are

found in the supplementary statement of the complainant.

4. The Investigating Officer has requested the Sessions Court for deletion of the offence punishable under section 302 of the I.P. Code as no external injuries were found on the person of the deceased and lateron, the final opinion regarding the death was Myocardial Infarction with pulmonary oedema with emphysema.

5. Upon hearing both sides and considering the changed circumstances and in the nature of the allegations that in the immediately filed FIR, the names of the present applicants did not figure and lateron, by way of supplementary statement, their presence was alleged, in my view, the application now deserves to be allowed. Hence the following order:-

6. In the event of present applicants in Crime No. 119/2014, registered with Bhokar Police Station, District Nanded, for the offences punishable under section 147, 149, 302, 323, 504 of the Indian Penal Code and under section 3 (1) (x), 3 (2) (5) of the Scheduled

Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, each of them be released on bail on their executing P.R. bond in the sum of Rs. 20,000/- (rupees twenty thousand) each and also upon furnishing surety each in the like amount.

. Both the applicants shall attend the Investigating Officer as and when reasonably called by him for the purpose of investigation, for a period of three months.

. The application is accordingly allowed and disposed of.

[M.T. JOSHI]
JUDGE

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