

FARAD CONTINUATION SHEET NO.

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE, BENCH AT AURANGABAD

CRIMINAL APPLICATION NO. 1988 OF 2015**[Nilesh s/o Dnyandeo Lanke Vs The State of Maharashtra & anr.]**

Office Notes, Office
Memoranda of Coram,
appearances, Court's
orders or
directions and
Registrar's orders

Court's or Judge's orders

Shri V.D.Hon, Senior advocate for applicant
Shri A.V.Deshmukh, A.P.P. for respondent

.....

CORAM : V.M.DESHPANDE, J.**DATED : 29th April, 2015****PER COURT :-**

1] This is an application for anticipatory bail, since the applicant is apprehending his arrest in connection with Crime No. 34 of 2015, registered at Supa police station, District Ahmednagar for the offences punishable under Sections 395, 323, 504, 506, 427 r/w 34 of the Indian Penal Code, under Sections 4/25 of the Arms Act, under Sections 37(1)(3)/135 of the Bombay Police Act and under Section 3(1)(x) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

2] I have heard Shri V.D.Hon, learned Senior counsel for applicant and Shri A.V.Deshmukh, learned Additional Public Prosecutor for the respondent/State.

3] The first information report, in which the present applicant is seeking anticipatory bail, is filed by Bhimrao Baban Shinde in respect of incident, dated 18.2.2015 at 6 O' clock in the evening near hotel Panchsheel Park wherein this Bhimrao is working as a Manager. Owner of the said hotel is one Rahul Shinde.

4] In that context, it would be useful to have a reference to the first information report No. 33 of 2015 which is lodged by the driver of the present applicant by name Balu Sakharam Bhor against 17 named persons and other 10 to 15 persons. The owner of the hotel Panchsheel Park Rahul Shinde is one of the accused in the said crime. The incident is also dated 18.2.2015. The said offence is also registered under Section 395, 341, 427 of the Indian Penal Code. The first information report clearly reveals that most general allegations are made against the present applicant. No specific role is attributed.

Further in respect of the Atrocities Act, it is not specifically stated in the first information report that the applicant has used any abusive word. Further, it is not stated as to how the present applicant was knowing that the first informant belongs to the Scheduled Caste.

So far as offence under Section 395 of the Indian Penal Code is concerned, it is not alleged in the first information report that it is the applicant who has snatched the said amount from the pocket of the first informant. Looking to the fact that the first information report lodged by the driver of the present applicant specifically alleges against the owner Rahul Shinde and the first informant being his Manager, his being under the thumb of Rahul Shinde cannot be ruled out. Therefore, false implication at the behest of Bhimrao cannot completely be ruled out. Hence, I pass following order.

ORDER

- (i) Application is allowed.
- (ii) Applicant-Nilesh Dnyandeo Lanke, in the event of his arrest, in connection with Crime No. 34 of 2015, registered at Supa police station, District Ahmednagar for the offences punishable under Sections 395, 323, 504, 506, 427 r/w 34 of

the Indian Penal Code, under Sections 4/25 of the Arms Act, under Sections 37(1)(3)/135 of the Bombay Police Act and under Section 3(1)(x) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, be released on anticipatory bail, on he executing P.R. bond in the sum of Rs.15,000/- with two solvent sureties of like amount.

(iii) The applicant shall attend police station Supa twice a week, preferably on every Sunday and Wednesday in between 4.00 p.m. to 5.00 p.m.

(iv) The applicant shall not cause any threat to the first informant Bhimrao.

(v) Application is disposed of.

(V.M.DESHPANDE, J.)

dbm/crap1988.15