

FARAD CONTINUATION SHEET NO.

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

CRIMINAL APPLICATION NO. 3476 OF 2015
[Nilesh s/o Sitaram Ghanekar Vs The State of Maharashtra]
WITH
CRIMINAL APPLICATION NO. 3754 OF 2015
[Sanjay s/o Babasaheb Tambe vs The State of Maharashtra]

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

Court's or Judge's orders

Shri Rajendra Deshmukh, advocate with
Smt. M.D.Thube-Mhase, advocate for applicant in Appln.No.3476/15
Shri J.V.Deshpande, advocate for applicant in Appln.No.3754/15
Shri V.H.Dighe, A.P.P. for respondent in both Applications

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CORAM : V.M.DESHPANDE, J.
DATED : 27th July, 2015

PER COURT :-

- 1] Heard Shri Rajendra Deshmukh, learned counsel for applicant in Criminal Application No. 3476 of 2015 and Shri J.V.Deshpande, learned counsel for the applicant in Criminal Application No. 3754 of 2015; and Shri V.H.Dighe, learned Additional Public Prosecutor for the respondent/State.
- 2] The applicants are apprehending their arrest in connection with Crime No.424 of 2015, registered with Mukundwadi police station, Aurangabad, for the offences punishable under Sections 201, 214, 387 389, 506 r/w 34 of the Indian Penal Code.
- 3] The complainant has already filed Crime No.284 of 2015 against the present applicant (applicant in Criminal Application No. 3476 of 2015) for the offences punishable under Sections 354-A, 506, 376(2) (f) (n), 376-C of the Indian Penal Code and under Section 66-E of the Information and

Technology Act.

4] The present first information report is lodged with police station Mukundwadi on 30.6.2015. From the first information report, it is clear that according to the first informant the alleged acts on the part of the present applicants are between 21.6.2015 and 25.6.2015. Prima facie, at least there is no explanation in the first information report about reporting the matter belatedly.

Further, from perusal of the entire first information report, it is clear that there are no specific allegations against the applicant in Criminal Application No. 3476 of 2015 that he directly tried to contact with the first informant either personally or on phone. According to the first information report, the applicant has tried to contact with the first informant through the applicant in Criminal Application No. 3754 of 2015. From perusal of the first information report, it is clear that there are no specific allegations against the said applicant (applicant in Criminal Application No.3754 of 2015) also that he has extended any threat.

From the first information report, if scanned properly, it is crystal clear that prima facie the ingredients of Sections 389 and 387 of the Indian Penal Code are absent. So far as offence under Section 214 of the Indian Penal Code is concerned, it is not only bailable but it is a non-cognizable offence.

5] Looking to the nature of accusation made against the present applicants in these two applications, custodial presence of the applicants is not necessary. That leads me to pass following order.

ORDER

(i) Criminal Application Nos. 3476 of 2015 and 3754 of 2015 are allowed.

(ii) Applicant-Nilesh s/o Sitaram Gnahekar in

Criminal Application No. 3476 of 2015 and Applicant-Sanjay s/o Babasaheb Tambe in Criminal Application No. 3754 of 2015, in the event of their arrest, in connection with Crime No.424 of 2015, registered with Mukundwadi police station, Aurangabad, for the offences punishable under Sections 201, 214, 387 389, 506 r/w 34 of the Indian Penal Code, be released on anticipatory bail on they each executing P.R. bond of Rs.10,000/- with one solvent surety by each of them, in the like amount.

(iii) Both the applications are disposed of.

(V.M.DESHPANDE, J.)

dbm/crap3476.15