

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

CRIMINAL APPLICATION NO. 3533 OF 2015

Rameshwar s/o Vishnu Katkade & Ors. **APPLICANTS**

V E R S U S

The State of Maharashtra **RESPONDENT**

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Mr. N.B.Narwade, Advocate for Applicants.

Mrs. Pratibha Bharad, A.P.P. for Resp. – State.

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CORAM : V.M.DESHPANDE, J.

DATE : 17th JULY, 2015

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PER COURT :

1. This is an application for grant of anticipatory bail since the applicants are apprehending their arrest in connection with Crime No. 150/2015 registered with Shevgaon police station, District Ahmednagar for the offences punishable u/s 365,506 read with 34 of the Indian Penal Code.

2. Heard Mr. N.B.Narwade, learned counsel for the applicants and Mrs. Pratibha Bharad, learned A.P.P. for respondent – State.

3. F.I.R. is lodged by Shivaji Arun Khedkar, who is cousin of Bharat Khedkar, who, according to the prosecution,

was abducted. According to prosecution, Bharat was elected unopposed as a Member in the election of Nimgaon Vivid Karyakari Co-operative Society. According to F.I.R., other election for the post of Chairman was fixed on 22/06/2015. According to F.I.R., on 18/06/2015 when Bharat Khedkar and first informant were proceeding to their village at Thakur Nimgaon, they were intercepted near the agricultural field of one Namdeo Katkade, three persons from the jeep alighted and they took Bharat forcibly away with them. According to F.I.R., this must have been done so as to see that Bharat is deprived of casting the vote or participating in the election dated 22/06/2015.

4. Learned A.P.P. submitted that the statement of Bharat Khedkar is recorded on 26/03/2015. Even according to his statement, three unknown persons took him away from the first informant in the jeep. According to his statement, on 22/06/2015, those three unknown persons handed over the custody of Bharat in favour of the present applicants. Statement of Bharat would reveal that nothing was done by the present applicants to him and they allow him to go.

5. Actually it is reported that Bharat participated in the election which was conducted on 30/06/2015. From the investigation papers, it appears that the present case is nothing but fall out of the election rivalry. Therefore, *prima facie*, falsehood in the statement of the first informant can not be ruled out. Further, no harm is caused to Bharat. Not only that, his right to participate in the election is not deprived.

That leads me to pass the following order.

- (i) Present Criminal Application is hereby allowed.
- (ii) In the event of arrest in connection with Crime No. 150/2015 registered with Shevgaon police station, District Ahmednagar for the offences punishable u/s 365,506 read with 34 of the Indian Penal Code, applicant No. 1 Rameshwar s/o Vishnu Katkade, applicant No. 2 Santosh s/o Bhausahab Katkade and applicant No. 3 Machindra s/o Vithal Katkade be released on anticipatory bail on they executing P.R. Bond of Rs. 10,000/- [Rupees Ten Thousand] with one solvent surety of like amount by each of them.
- (iii) With these observations, Present Criminal Application is disposed of.

[V.M.DESHPANDE, J.]