

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

CRIMINAL APPLICATION NO.4474 OF 2015

1. Pranavrajsing Balrajsing Raval,
Age 23 years, Occu. Agril.,
 2. Jaypalsing Sardarsing Raval,
Age 47 years, Occu. Z.P. Member
 3. Ranveersing Vijaysing Raval,
Age 45 years, Occu. Agril,
- All R/o Sarangkheda,
Taluka Shahada, District Nandurbar ..Applicants

Versus

- The State of Maharashtra,
through P.I. Sarangkheda Police Station,
Taluka Shahada, District Nandurbar ..Respondent

- WITH -

CRIMINAL APPLICATION NO.4387 OF 2015

1. Kisan Bhagwansing Girase,
Age 45 years, Occu. Agri.,
2. Sunil Dharma Padvi,
Age 25 years, Occu. Labour
3. Rahul Sattarsing Girase,
Age 22 years, Occu. Education
4. Pravin Anil Shirke,
Age 25 years, Occu. Labour
5. Ranjeetsing Narayansing Raval,
Age 50 years, Occu. Agri.,
6. Jitendra Sattarsing Girase,
Age 35 years, Occu. Labour
7. Vilas Dagadu Girase,
Age 25 years, Occu. Labour
8. Nilesh Suresh Kuwar,
Age 21 years, Occu. Labour

9. Sanjay Komalsing Raval,
Age 28 years, Occu. Driver
10. Bhushan Dagadu Girase,
Age 25 years, Occu. Agri.,
11. Vijay Atmaram Kanade,
Age 22 years, Occu. Education
12. Pankaj Komalsing Girase,
Age 21 years, Occu. Education

All R/o Sarangkheda,
Taluka Shahada,
District Nandurbar

..Applicants

Versus

- The State of Maharashtra,
through P.I. Sarangkheda Police Station,
Taluka Shahada, District Nandurbar

..Respondent

Mr A.B. Kale, Advocate for applicants
Mr S.R. Palnitkar, A.P.P. for respondent in Cri.Application No.4474 of
2015
Smt. M.S. Patni, A.P.P. for respondent in Cri.Application No.4387 of
2015

CORAM : N.W. SAMBRE, J.

DATE : 1st September 2015

PER COURT

Heard.

2. The present applicants are seeking pre-arrest bail in Crime No.43/2015, registered at Police Station, Sarangkheda, Taluka Shahada, District Nandurbar, on 7th August 2015 for the offence punishable under Sections 143, 147, 148, 149, 323, 324, 504, 506, 427, 354 of Indian Penal Code and under Section 37 (1) (3)/135 of the Bombay Police Act.

3. The complainant-Tulshiram alleged that the present applicants, by violating order under Section 135 of the Bombay Police Act, on 6th August 2015, after declaration of the results of elections of Gram Panchayat, Sarangkheda, which were held on 4th August 2015, in which complainant's panel lost the election. According to him, there was some dispute between the complainant and accused, in which the applicants attacked the complainant and his family members. It is stated that there was mob of around 100 to 150 people, including the present applicants against whom the sweeping allegations are made of using sticks, iron rods. The specific allegations are against Pranavrajsing Raval of outraging the modesty of complainant's daughter Bharati and against Jaylpalsing Raval on the same lines in respect of the wife of the complainant Tulshiram, namely Vandana, and against Devendrasing the allegation was of snatching the silver chain of brother of the complainant.

4. So far as the other applicants are concerned, there are allegations of using fists blows, sticks, etc.

5. It is required to be taken note of the fact that at the instance of one Bharat Dhobi, who belongs to the group of present applicants, offence against the present complainant Tulshiram came to be lodged on 7th August 2015 vide Crime No.42/2015, punishable under Sections 326, 504, 506 of the Indian Penal Code, in which the accused Tulshiram and the other accused persons had approached the learned Court below for grant of regular bail and learned Additional Sessions Judge, Shahada, in paragraph 5 of the order dated 25th August 2015 observed thus :

“5. Perusal of the case papers, it reveals that the complainant Bharat Dhobi has lodged the complaint that the accused assaulted him by means of axe and iron rod on his head, back and hands and caused grievous injuries on the head, back and hands and caused grievous injuries on the ground that he used to accompany Jaypalsing Raval. It appears that the weapons have been recovered at the instance of accused. Perusal of injury certificate it shows that the complainant has sustained CLW on head and blunt trauma on right lower chest. It appears that he was referred for C.T. Scan at Nandurbar. It appears that the C.T. Scan report is normal. As per the discharge card and the say of police the complainant has been discharged on 12-08-2015 from Civil Hospital, Nandurbar. It appears that the incident is the outcome of political rivalry and election of Grampanchayat. The accused who are arrested in the FIR lodged by applicant No.1 has been released on bail. The applicants are in custody since 07-08-2015. Considering the fact that the injured has been discharged and out of hospital, the applicants are entitled to be released on bail on some strengthen conditions.”

Certain recovery was made from the complainant – Tulshiram.

6. Upon perusal of the F.I.R. and other material that is brought on record and having gone through the papers produced by learned A.P.P., who has opposed the bail application by citing reason of availability of sufficient evidence against the applicants, it is required to be taken note of the fact that the incident in question occurred immediately after declaration of the election results of Gram

Panchayat Sarangkheda on 6th August 2015 in which the complainant Tulshiram and his panel lost the election. If the nature of allegation is perused, though same speaks voluminous of mob of 100 to 150 people of which applicants were members, however, so far as the applicants in Criminal Application No.4474 of 2015 are concerned, serious allegations are made of outraging the modesty of women members from the family of complainant Tulshiram. If the said allegations in the F.I.R. against the applicants are considered in the backdrop of happening of the incident, which speaks of 100 to 150 people, it is required to be noted that the same prima facie appears to be with intention of false implication of present applicants in view of political rivalry. The said angle cannot be ruled out. It is also required to be noted that the accomplish of applicant Jaypalsing was assaulted by present complainant Tulshiram and others, who have secured regular bail from the learned Court below.

7. In my opinion, having regard to the stage at which the investigation has reached, in absence of the custodial interrogation of the present applicants, coupled with the fact of defeat in elections suffered by the complainant and the presence of mob of 100 to 150 people, involvement of present applicants in the commission of crime in question appears to be doubtful.

8. In view thereof, in my opinion, it will be appropriate to order release of the applicants. Hence, I proceed to pass the following order:

(I) In the event of their arrest, the applicants in both the Criminal Applications be released in Crime No.43/2015, registered at Sarangkhedha Police Station, Taluka Shahada, District Nandurbar, on 7th August 2015 for the offence punishable under Sections 143, 147, 148, 149, 323, 324, 504, 506, 427, 354 of Indian Penal Code and under Section 37 (1) (3)/135 of the Bombay Police Act, upon furnishing P.R. Bond of Rs.10,000/- and one surety in the like amount by each of them.

(II) The applicants shall attend the Police Station, Sarangkhedha initially for one week between 10.00 am to 11.00 am and thereafter as and when called for by the Investigating Officer.

(III) The applicants shall co-operate the Investigating Officer and shall not tamper with the evidence.

9. Both the Criminal Applications stand allowed in above terms.

(N.W. SAMBRE, J.)

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