

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO.4631 OF 2015

1. Vilas s/o Madhavrao Kokare,
2. Anil s/o Madhukarrao Kokare,
3. Prabhakar s/o Limbarao Kokare ..APPLICANTS

VERSUS

The State of Maharashtra ..RESPONDENT

Mr N.K. Chaudhari, Advocate for applicants;
Mrs M.A. Deshpande, A.P.P. for respondent

CORAM : N.W. SAMBRE, J.

DATE : 8th September, 2015

ORAL ORDER :

The applicants are apprehending arrest at the hands of police, in connection with C.R. No.51 of 2015, registered with police station, Aundha, District Hingoli, for offences punishable under sections 337, 294, 504, 506 read with sec. 34 of the Indian Penal Code and under section 3 (1) (x) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

2. On perusal of the first information report, it is apparent that the allegations made in the complaint have a colour of rivalry in the Grampanchayat election.

3. It is a fact that the complainant has lost election of the Grampanchayat, which was also contested by the wife of one of the accused and perhaps, the applicants have not supported the candidature of the complainant. Be that as it may, perusal of the first information reflects that the names of the eye-witnesses appear to have been subsequently inserted, whose statements support the prosecution story about utterances of caste based insulting accusation in public view.

4. Except offence punishable under sections 3 (1) (x) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, rest of the offences levelled against the applicants are bailable one.

5. Having regard to the prosecution story as regards the breaking open of the door, attacking sister-in-law of the complainant with a brick, even if *prima facie* taken to be true, however, as observed herein above, those offences are bailable. The custodial interrogation of the applicants is not required. In the background of above, particularly in the in the light of discovery in the offence, in my opinion, it will be appropriate to order release of the applicants on bail. I, therefore, pass following order :-

In the event of arrest of the applicants, namely, (1) Vilas s/o Madhavrao Kokare, (2) Anil s/o Madhukarrao Kokare and (3) Prabhakar

s/o Limbarao Kokare, in connection with C.R. No.51 of 2015, registered with police station, Aundha, District Hingoli, for offences punishable under sections 337, 294, 504, 506 read with sec. 34 of the Indian Penal Code and under section 3 (1) (x) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, they be released on bail, on each of them furnishing P.R. Bond of Rs.10,000/- with one surety in the like amount. The applicants shall attend the concerned police station initially for two days, between 10.00 a.m. and 11.00 a.m. and thereafter as and when called by the Investigating Officer. The applicants shall not tamper with the prosecution evidence.

criap4465 Criminal Application stands allowed in above terms.

(N.W. SAMBRE, J.)

amj