

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

CRIMINAL APPLICATION NO.4898 OF 2015

Pruthviraj s/o Dilipsing Rawal,
Age 35 years, Occu. Agri.,
R/o Sagarkheda Taluka Shahada,
District Nandurbar

..Applicant

Versus

1. The State of Maharashtra,
through Superintendent of Police,
Nandurbar
2. P.S.I. Rural Police Station,
Sagarkheda, Taluka Shahada,
District Nandurbar

..Respondents

- WITH -

CRIMINAL APPLICATION NO.4924 OF 2015

Satish Jagatsingh Girase (Solanki),
Age 35 years, Occu. Service,
R/o Vikharan (Devache),
Taluka Shindhkheda, Dist. Dhule

..Applicant

Versus

1. The State of Maharashtra,
through Superintendent of Police,
Nandurbar
2. P.S.I. Rural Police Station,
Sagarkheda, Taluka Shahada,
District Nandurbar

..Respondents

- WITH -

CRIMINAL APPLICATION NO.5017 OF 2015

1. Tulsiram s/o Uttam Koli
Age 40 years, Occu. Labour
2. Subhash s/o Lotan Koli
Age 21 years, Occu. Labour

3. Soma s/o Zulal Koli,
Age 39 years, Occu. Labour
4. Vikas s/o Kailas Koli,
Age 39 years, Occu. Labour
5. Vilas s/o Kailas Koli,
Age 22 years, Occu. Labour
6. Bhushan s/o Uttam More,
Age 30 years, Occu. Labour
7. Raju s/o Eknath Koli,
Age 40 years, Occu. Labour
8. Kailas s/o Ragha Koli,
Age 30 years, Occu. Labour
9. Vijay s/o Bhatu Mahale,
Age 38 years, Occu. Labour
10. Subhash Sahebrao Patil,
Age 25 years, Occu. Labour
11. Jitendra s/o Vedu Girase,
Age 35 years, Occu Labour
12. Dalapat s/o Vedu Girase,
Age 41 years, Occu. Labour
13. Shantilal s/o Daga Chaudhari,
Age 30 years, Occu. Labour
14. Kailas s/o Uttam Koli,
Age 31 years, Occu. Labour
15. Rushikesh s/o Ranjit Girase,
Age 22 years, Occu. Education

All r/o Sarangkheda,
Taluka Shahada, Dist. Nandurbar

..Applicants

Versus

1. The State of Maharashtra,
through Superintendent of Police,
Nandurbar

2. P.S.I. Rural Police Station,
Sagarkheda, Taluka Shahada,
District Nandurbar

..Respondents

Mr P.B. Patil, Advocate for applicants
Mr S.N. Morampalle, A.P.P. for respondents

CORAM : N.W. SAMBRE, J.

DATE : 15th October 2015

PER COURT

1. Learned Counsel for the applicants does not press Criminal Application No.5017 of 2015 on behalf of applicant No.1-Tulsiram son of Uttam Koli and applicant No.5 - Vilas son of Kailas Koli. As such their application stands dismissed as withdrawn.

2. All the applicants herein are seeking pre-arrest bail in Crime No.44/2015, pursuant to an incident dated 7th August 2015, registered at Sarangkheda Gramin Police Station, District Nandurbar for offences punishable under Sections 143, 147, 149, 354, 323, 504, 506 of Indian Penal Code and under Sections 3 (1) (I) and (xi) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act and under Section 37 (1) (3)/135 of Bombay Police Act.

3. There appears to be another first information report at the behest of accused herein against the group of the complainant which has resulted into registration of Crime No.43/2015 on 7th August 2015 for the offences punishable under Sections 143, 147, 148, 149, 393, 324, 504, 506, 427, 354 of the Indian Penal Code and under Section 37 (1) (3)/135 of the Bombay Police Act.

4. Perusal of the first information report depicts that the incident has occurred in the background of election results of the Village Panchayat in which the applicant's panel/candidates has lost the election.

5. While trying to make out the case for grant of anticipatory bail, learned Counsel for the applicants would urge that the applicants are implicated falsely in the crime in view of the Village Panchayat election results and so as to give counter blast to the first information report registered by the member of their group resulting into registration of Crime No.43/2015 against the complainant.

6. Learned A.P.P. while opposing the applications for bail, has taken me through the contents of investigation papers and submits that the eye witnesses named the applicant Tulsiam and Vilas in the matter of commission of crime in question. He would then urge that bail should not be granted to them, in view of insult attributed based on caste to the complainant.

7. With the assistance, I have scanned the first information report and it is required to be noted that prima facie there are no insulting attributions on caste of complainant and as such, prima facie, provisions thereof are not attracted.

8. In view of above, it will be appropriate, in my opinion to grant bail. Hence, I proceed to pass the following order.

(I) In the event of their arrest in connection with Crime No.44/2015, pursuant to an incident dated 7th August 2015, registered at Sarangkhedha Gramin Police Station, District Nandurbar for offences punishable under Sections 143, 147, 149, 354, 323, 504, 506 of Indian Penal Code and under Sections 3 (1) (I) and (xi) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act and under Section 37 (1) (3)/135 of Bombay Police Act, the applicants be released on bail, upon furnishing P.R. Bond of Rs.10,000/- with one surety in the like amount, by each of them.

(II) The applicants shall attend the concerned Police Station initially for three days from 10.00 am to 11.00 am and thereafter as and when called by the Investigating Officer.

9. Criminal Applications stand disposed of in above terms.

(N.W. SAMBRE, J.)

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