

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

CRIMINAL APPLICATION NO. 4910 OF 2015

Gahininath s/o Pandharinath Katkade **APPLICANT**

V E R S U S

The State of Maharashtra **RESPONDENT**

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Mr. N.V.Gaware, Advocate for Applicant.

Mr. S.J.Salgare, A.P.P. for Resp. - State.

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CORAM : INDIRA K. JAIN, J.

DATE : 21st NOVEMBER, 2015

ORAL ORDER :-

. Applicant is involved in Crime No. I-151/2015 registered with Shevgaon police station, district Ahmednagar for the offences punishable u/ss 365,506 read with section 34 of the Indian Penal Code.

2. Heard Mr. N.V.Gaware, learned counsel for Applicant and Mr. S.J.Salgare, learned A.P.P. for Respondent – State. Perused case papers.

3. F.I.R. was lodged by Pandurang Katkade alleging therein that his brother Mahadeo Sheshrao Katkade was kidnapped and abducted by applicant in collusion with other co-accused with an intention to prevent him from participating in the election of Chairman of Thakur Nimgaon Vividh Karyakari Sewa

Sahakari Sanstha Maryadit, Thakur Nimgaon, Taluka Shevgaon, district Ahmednagar.

4. Learned counsel for applicant makes a statement that charge sheet RTC No. 288/2015 has been filed. Learned counsel has referred to the statement of Mahadeo recorded by the investigating agency on 24/06/2015. On perusal of statement of Mahadeo it can be seen that there is no whisper of the name of applicant in his statement. He refers to the unknown persons. Further it can be revealed from F.I.R. and case papers that due to election rivalry alleged incident has occurred.

5. In the above background and since charge sheet has been filed and applicant was protected by interim orders through-out till date it would be in the interest of justice to allow the application by imposing suitable conditions. Hence, the following order.

6. (i) Criminal Application No. 4910 of 2015 is allowed.

(ii) In the event of arrest of applicant Gahininath s/o Pandharinath Katkade in Crime No. I-151/2015 registered with Shevgaon police station, district Ahmednagar for the offences punishable u/ss 365,506 read with section 34 of the Indian Penal Code he shall be released on bail on executing P.R. and S.B. of Rs. 15,000/- [Rupees Fifteen Thousand] each.

(iii) Applicant shall not tamper with the prosecution evidence and shall make himself available as and when required.

[INDIRA K. JAIN]
JUDGE

KNP/Cr.Apln. 4910.2015.odt