

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO.5116 OF 2015

- 1] Umesh Bhika Thakare,
Age 33 years, occ. Labour,
- 2] Dhiraj Rajendra Sonwane,
Age 21 years, occ. Education,
- 3] Naresh Narayan Chaudhri,
Age 40 years, occ. Labour,
- 4] Thushar Sanjay Dirgude (Girgune),
Age 19 years, occ. Education,
- 5] Rakesh Rajesh Patil,
Age 24 years, occ. Education,
- 6] Prabhakar Chhagn Thakare,
Age 65 years, occ. Labour,
- 7] Rakesh Bhatu Lohar,
Age 26 years, occ. Education,
- 8] Aman Mohan Johari,
Age 21 years, Occ. Education,
- 9] Mithun Natwarlal Johari,
Age 32 years, Occ. Business,
- 10] Golu Shiva Datir,
Age 28 years, Occ. Labour,
- 11] Jalindar Natthu Shivde,
Age 38 years, Occ. Business,
- 12] Jagdish Shankarsing Pardeshi,
Age 32 years, Occ. Business

13] Tushar Mohan Johari,
Age 26 years, occ. Labour

All r/o. Taloda, Tq.Taloda,
Dist. Nandurbar

..Applicants

Versus

The State of Maharashtra

..Respondent

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Mr.Joydeep Chatterji, advocate for applicants

Mrs.R.K.Ladda, APP for respondent - State

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WITH

CRIMINAL APPLICATION NO.5261 OF 2015

- 1] Mohasin Ajij Maniyar
Age 29 years, Occ. Labour
- 2] Nadim Shaikh Amin Shaikh,
Age 22 years, Occ. Labour,
- 3] Asifoddin Shaikh Shafiyoddin
Shaikh, Age 26 years, occ. Labour,
- 4] Shoaibkhan Gaffarkhan,
Age 21 years, Occ. Labour,
- 5] Sikandarali Nisarali Sayyed
Age 22 years, occ. Labour,
- 6] Faridkhan Rubabkhan Pathan,
Age 29 years, occ. Labour

7] Shakir Sattar Maniyar
Age 30 years, Occ.Labour

8] Asif Aji Maniyar,
Age 24 years, occ. Labour

All r/o. Taloda, Tq.Taloda,
Dist.Nandurbar

..Applicants

Versus

The State of Maharashtra

..Respondent

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Mr.V.P.Latange, advocate for applicants

Mrs.Rekha Ladda, APP for respondent - State

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WITH

CRIMINAL APPLICATION 5262 OF 2015

1] Imran Ismail Shaikh (Mistari)
Age 26 years, Occ. Labour,

2] Shaikh Sajid Shaikh Sardar,
Age 31 years, Occ. Labour,

3] Shaikh Mojim Shaikh Aji
Maniyar, age 30 years,
Occ. Labour

4] Imranali Nisarali Sayyad
Age 25 years, Occ. Labour,

All r/o. Taloda, Tq.Taloda,
Dist.Nandurbar

..Applicants

Versus

The State of Maharashtra ..Respondent

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Mr.V.P.Latange, advocate for applicants

Mrs.Rekha Ladda, APP for respondent - State

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CORAM : M.T. JOSHI, J.

DATE : OCTOBER 09, 2015

PER COURT :

Heard both sides.

2] Learned counsel for the applicants in all the applications, upon instructions, submits that all the applicants, except applicant No.6 - Prabhakar Chhagn Thakare in Criminal Application No.5116 of 2015, do not wish to press the applications and wish to withdraw the same, however, liberty to file similar applications in the sessions court after the charge sheet is filed, may be graned.

3] Present applications are filed for grant of bail in Crime No.51 of 2015 registered at Taloda Police Station, Dist. Nandurbar for the offences

punishable under Section 307, 353, 436, 452, 333, 435, 429, 143, 144, 145, 147, 149, 427, 152, 153, 153(A) of Indian Penal Code; Section 7 of the Criminal Law Amendment Act; and Section 3 of the Prevention of Damage to Public Property Act.

4] Reading of the case papers would show that in a public commotion, more than 150 persons had caused the alleged incident. Applicant No.6 - Prabhakar Chhagn Thakare in Criminal Application No.5116 of 2015 is named as one of the members of the said mob.

5] Mr.Chatterji, learned counsel for the applicants, submits that applicant - Prabhakar is 65 years old, as is seen from the F.I.R. itself. He submits that considering that allegedly, a mob of more than 150 persons, had committed the offence; and that applicant - Prabhakar is arrested on 16th August, 2015; and as the

investigation is almost complete, applicant – Prabhakar may be released on bail.

6] Learned A.P.P. opposes the application.

7] Considering the overall facts on record and considering the age of applicant – Prabhakar, in my view, he can be released on bail.

8] In the result, the following order :-

A] All the three applications are allowed to withdraw and disposed of as such, except to the extent of applicant No.6 – Prabhakar Chhagn Thakare in Criminal Application No.5116 of 2015, with liberty to file the similar applications in the sessions court after the charge sheet is filed.

B] Applicant No.6 – Prabhakar Chhagn Thakare in

Criminal Application No.5116 of 2015 be released on bail in Crime No.51 of 2015 registered at Taloda Police Station, Dist. Nandurbar for the offences punishable under Section 307, 353, 436, 452, 333, 435, 429, 143, 144, 145, 147, 149, 427, 152, 153, 153(A) of Indian Penal Code; Section 7 of the Criminal Law Amendment Act; and Section 3 of the Prevention of Damage to Public Property Act, upon his executing P.R. Bond in the sum of Rs.20,000/- (Rs.Twenty Thousand) and also upon furnishing surety in the like amount.

C] He shall attend the Investigating Officer as and when required by him for the purpose of investigation, till filing of the charge sheet.

[M.T. JOSHI, J.]

kbp