

IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
BENCH AT AURANGABAD.
APPELLATE SIDE JURISDICTION

CRIMINAL APPLICATION NO. 6045 OF 2015

SOMNATH YASHWANT PARKHE
VERSUS
THE STATE OF MAHARASHTRA

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Advocate for Applicant : Mr. Anandi S. Varma.
APP for Respondent : Mrs. M. A. Deshpande.

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CORAM : **INDIRA K. JAIN, J.**

DATE : 23rd November, 2015.

ORAL ORDER:

. This is an application for pre-arrest bail in Crime No.I-154 of 2015 registered at Kopargaon Rural (Gramin) Police Station, District Ahmednagar for the offences punishable under Sections 143, 147, 148, 149, 324, 326, 504, 506 of the Indian Penal Code.

2 Heard learned counsel for the parties. Perused papers of investigation.

3 On 2nd October, 2015 Complainant Rangnath Narayan Sonawane lodged report with the Police Station alleging therein that at around 06:00 p.m. at village Morvis, Taluka Kopargaon, Applicant alongwith others came on Shiv Road with deadly weapons like axe and

sticks and assaulted him and witnesses thereby causing grievous injuries to them.

4 Applicant claims himself to be Police Patil of village. It is submitted that in view of order passed by this Court a ban was imposed on auction of sand lifting from Godavari river flowing from Kopargaon through village Morvis. Tahsildar, Kopargaon learnt from reliable sources regarding illegal lifting of sand from Godavari river in village Morvis. So Tahsildar with present Applicant and other officers raided the spot and seized illegal sand. Complainant and other persons were responsible for illegal lifting of sand and since Complainant was named in the report, he falsely implicated the Applicant.

5 Another contention raised by Applicant is that in the year 2011 he was honoured with bravery award by the Government of Maharashtra considering his meritorious service in various departments of the Government. His past conduct is absolutely clean and clear thereby falsifying his implication in any criminal activity as alleged by the Complainant.

6 On perusal of FIR and statements of witnesses it can be

seen that there was a free fight between two groups. Counter complaints were lodged to police station. No specific role is attributed to Applicant in the alleged assault. There is no question of custodial interrogation of the Applicant.

7 In light of the above and considering the nature of offences, manner of incident, allegations levelled in FIR and statements of witnesses, this Court is inclined to allow the application. Hence the following order –

ORDER

- I. Criminal Application No.6045 of 2015 is allowed.
- II. In the event of arrest of Applicant in Crime No.I-154 of 2015 registered at Kopargaon Rural (Gramin) Police Station, District Ahmednagar for the offences punishable under Sections 143, 147, 148, 149, 324, 326, 504, 506 of the Indian Penal Code, he shall be released on bail on P.R. and S.B. of Rs.5,000/- each.
- III. He shall not tamper with the prosecution

evidence and shall make himself available as and
when required by the Investigating Agency.

[INDIRA K. JAIN, J.]

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