

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

CRIMINAL APPLICATION NO. 6078 OF 2015

Dhananjay s/o Ganpat Jadhav
& Anr.

..... **APPLICANTS**

V E R S U S

The State of Maharashtra

.... **RESPONDENT**

.....

Mr. G.D.Kale, Advocate for Applicants.

Mr. G.O.Wattamwar, A.P.P. for Resp. - State.

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CORAM : INDIRA K. JAIN, J.

DATE : 5th DECEMBER, 2015

ORAL ORDER :-

1. Here is an application for pre-arrest bail in Crime No. 122/2015 registered at Ambajogai [Rural] police station, district Beed for the offences punishable u/ss 307,333,332,353,336,427,342,225,143, 147,148,149,504,506 of the Indian Penal Code and u/s 135 of the Bombay Police Act.

2. Heard Mr. G.D.Kale, learned counsel for applicants and Mr. G.O.Wattamwar, learned A.P.P. for Respondent – State. Perused papers of investigation.

3. It is the case of prosecution that on

23/09/2015 at around 4.00 p.m. a secret information was received by S.D.P.O. office that some persons are playing cards at village Ghatnandur. On receiving information Janardhan Khanderao, police Sub Inspector and other police persons were deputed to conduct the raid. It is alleged that when raiding party reached the spot they were obstructed and around 10-15 persons assaulted the members of raiding party with sticks, stones and iron pipes. One of the constables was seriously injured. Report was then lodged by police constable Dilip Chandrabhan Gite.

4. Learned counsel for applicants submitted that applicant No. 1 Dhananjay Jadhav is a press reporter and applicant No. 2 is Gram Panchayat Member. They were not amongst the persons who were gaming. No specific role is attributed to them and as they were present on the spot, their names have been implicated in F.I.R. The learned counsel submits that applicants be protected in the event of their arrest in the crime.

5. Per contra learned A.P.P. referred to the statement of police constable Baliram Madule recorded on 25/09/2015 and submitted that this witness attributes specific role to applicant No. 1. He assaulted the injured with stone on the head of injured. Learned A.P.P. submits that there is prima facie involvement of applicants in a serious crime and prays to reject the application.

6. It can be seen from F.I.R. that present applicants were not amongst the persons who were involved in gambling. No specific role is attributed to applicants except as stated by Baliram Madule, police constable. F.I.R. shows that many persons had gathered on the spot but no independent witness is coming forward to attribute any role to the applicants.

7. In this premise this Court finds prima facie involvement of applicants in the commission of alleged crime as doubtful. Their custodial interrogation is not necessary. Applicants will have to be therefore protected. Hence, the following order.

ORDER

- (i) Criminal Application No. 6078 of 2015 is allowed.
- (ii) In the event of arrest of applicants in Crime No. 122/2015 registered at Ambajogai [Rural] police station, district Beed for the offences punishable u/ss 307,333,332, 353,336,427,342,225,143,147,148,149,504, 506 of the Indian Penal Code and u/s 135 of the Bombay Police Act they shall be released on bail on P.R. and S.B. of ₹ 15,000/- [Rupees Fifteen Thousand] each.

- (iii) They shall not tamper with the prosecution evidence and shall make themselves available for investigation as and when required.

**[INDIRA K. JAIN]
JUDGE**