

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

CRIMINAL APPLICATION NO. 6106 OF 2015

Abhay s/o Satishrao Salunke & Ors. **..... APPLICANTS**

V E R S U S

The State of Maharashtra & Anr. **.... RESPONDENTS**

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Mr. S.J.Salunke, Advocate for Applicants.

Mr. A.R.Kale, A.P.P. for Respondent - State.

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CORAM : INDIRA K. JAIN, J.

DATE : 1st DECEMBER, 2015

ORAL ORDER :-

. Here is an application for pre-arrest bail in Crime No. 245/2015 registered with Latur [Rural] police station, district Latur for the offences punishable u/ss 307,326,143,147,148,149,120-B,365,109,325 of the Indian Penal Code.

2. Heard at length Mr. S.J.Salunke, learned counsel for applicants and Mr. A.R.Kale, learned A.P.P. for Respondent – State. Perused papers of investigation.

3. Prosecution case in brief is as under.

Mallikarjun Bhaikatti is an informant and R.T.I. activist. On 30/10/2015 at around 11.00 a.m. he

received a phone call from unknown person who had given his name as Dhanraj Sathe that informant was to be honoured in the recognition of his work in Latur city. Informant had taken a press conference regarding Latur Industrial Estate Co-operative Society and unlawful construction of Shahu College building, Latur. After he received a phone call by unknown person, three persons came to his place. They forcibly took him in a car. He was taken to Shahu College where one Anirudha Jadhav and Director of Shahu College pressurized complainant to tender apology. That time 20-25 persons beat complainant with fists and kicks. He was also assaulted by belt and hunter. Informant received multiple injuries. He was then dropped by applicants near Chitikiran hotel. On the same day report was lodged on the basis of which above said crime came to be registered.

4. Learned counsel for applicants vehemently contended that except applicant No. 4 Dhanraj none of the applicants are named in F.I.R. Learned counsel submits that applicants are not concerned with Latur Industrial Estate Co-operative Society or Shahu college. It is alleged that complainant as an R.T.I. activist is extracting money from the people and present complaint is one more attempt on the part of complainant to illegally extract money. Learned counsel submits that prima facie involvement of applicants is doubtful. Their custodial interrogation is not required and they are ready to co-operate the investigating agency. Learned counsel submitted that injuries caused to complainant were

simple in nature and in such a case provisions of Sections 307 and 326 of the Indian Penal code would not be attracted.

5. In support of submissions learned counsel for applicants relied upon the decision of Hon'ble Supreme Court in Siddharam Satlingappa Mhetre Vs. State of Maharashtra and Ors. [AIR 2011 SUPREME COURT 312]. Reliance is also placed on the decision of this Court in Manoj Prabhakar Lohar Vs. State of Maharashtra [2009(3) Bom.C.R.(Cri.) 258 (Bom.)].

6. Per contra learned A.P.P. submitted that custodial interrogation of applicants is necessary as test identification parade is to be held and weapons are to be recovered. It is submitted that statement of an eye witness clearly shows involvement of present applicants in the commission of assault on complainant. Learned A.P.P. submits that nowhere in complaints against complainant present applicants were ever named and there is no reason for complainant to falsely implicate them.

7. On going through the papers of investigation and particularly statement of watchman Sheshrao Deorao Sawale recorded on 31/10/2015 it can be seen that specific role is attributed to applicants and they are prima facie involved in the assault as stated in F.I.R. In addition there is confessional statement of co-accused Shivaji implicating the applicants. Their custodial interrogation

is must as weapons are to be recovered and test identification parade is to be held. Investigation is in progress.

8. In the above premise grant of pre-arrest bail to applicants would hamper the course of smooth investigation and so this Court is not inclined to allow the application. In the result following order.

ORDER

Criminal Application No. 6106 of 2015
stands rejected.

**[INDIRA K. JAIN]
JUDGE**

