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

CRIMINAL APPLICATION NO. 6296 OF 2015

Sachin Prabhakar JadhavAPPLICANT

VERSUS

The State of MaharashtraRESPONDENT

Ms Shubhangi D. More, Advocate holding for Mr A. D. Ostwal, Advocate
for applicant;

Mr M. B. Bharaswadkar, Addl. Public Prosecutor for respondent

WITH

CRIMINAL APPLICATION NO. 141 OF 2016

1. Kishor Raoji Nagre
2. Vilas Baburao Jadhav
3. Vinod Popat LondheAPPLICANTS

VERSUS

The State of MaharashtraRESPONDENT

Mr Zia-ul-Mustafa, Advocate for applicants;

Mr M. B. Bharaswadkar, Addl. Public Prosecutor for respondent

CORAM : N.W. SAMBRE, J.

DATE : 22nd January, 2016

ORDER :

By the present applications under section 438 of the Code of Criminal Procedure, the applicants seek their enlargement on pre-arrest bail, in connection with C.R. No.I-221 of 2015, registered with Kannad Police Station, Dist. Aurangabad, for offences punishable under sections 307, 143, 147, 148, 149, 109, 295, 323, 324 of the Indian Penal Code,

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under section 135 of the Bombay Police Act and under section 3 (1) (x) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

2. Learned Counsel appearing on behalf of the applicants submit that the family members of some of the applicants are political personalities and the complaint came to be lodged out of political rivalry, by falsely implicating them. Learned Counsel have invited my attention to the first information report in C.R. No.222 of 2015, registered with Kannad police station for offences punishable under sections 307, 147, 148, 149, 323, 324, 241, 504 of the Indian Penal Code and under section 135 of the Bombay (Maharashtra) Police Act, on 18th October, 2015. Learned Counsel would urge that in this background, the applicants are entitled to be released on pre-arrest bail, particularly when there are no specific allegations against them, including that of use of weapon.

3. Learned Addl. Public Prosecutor, while opposing the application would urge that because of the act of the applicants, simple injuries are caused to the complainant and other members. According to him, custodial interrogation of the applicants is necessary.

4. Perused the first information report and the investigation papers.

5. Having regard to the investigation carried out till date and the nature of allegations against the applicants made in the first information report, it is no doubt true that although there are attributions against the applicants

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of use of sticks and stones, yet the same has resulted into noticing simple injuries.

6. Apart from above, bar under section 18 of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act will not be attracted in the present case, particularly having regard to the utterances as are mentioned in the first information report. The omnibus statements as regards alleged insulting caste based abuses are made, however, *prima facie* such utterances do not constitute offence under the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

7. In that view of the matter, in my opinion, it will be appropriate to order release of the applicants on pre-arrest bail. Thus, the following order :-

In the event of arrest of applicants, in connection with C.R. No.I-221 of 2015, registered with Kannad Police Station, Dist. Aurangabad, for offences punishable under sections 307, 143, 147, 148, 149, 109, 295, 323, 324 of the Indian Penal Code, under section 135 of the Bombay Police Act and under section 3 (1) (x) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, they be released on bail, on each of them furnishing P.R. Bond of Rs.15,000/- with one surety in the like amount.

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The applicants shall attend the concerned police station initially on 27th and 28th January, 2016, between 10.00 a.m. and 12 noon and thereafter as and when called by the Investigating Officer.

Till filing of the charge-sheet, the applicants shall keep themselves away from the jurisdiction of the concerned police station.

Criminal Applications stand allowed in above terms.

(N.W. SAMBRE, J.)

amj