

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

CRIMINAL APPLICATION NO.504 OF 2016

1. Madhav s/o Parasram Jadhav,
Age 62 years, Occu. Agri.,
2. Dadasaheb s/o Madhavrao Jadhav,
Age 36 years, Occu. Agri.,
3. Bhika s/o Bhagchand Somase,
Age 61 years, Occu. Agri.,

All R/o Loni (Kh), Taluka Vaijapur,
District Aurangabad

..Applicant

Versus

- . The State of Maharashtra,
through the Police Inspector,
Shivoor Police Station,
Taluka Vaijapur, District Aurangabad

..Respondent

Mr R.R. Karpe, Advocate for applicant
Mr M.B. Bharaswadkar, A.P.P. for respondent
Mr J.V. Deshpande, Advocate for complainant, assisting A.P.P.

CORAM : N.W. SAMBRE, J.

DATE : 9th February 2016

PER COURT

Heard.

2. The applicants are seeking pre-arrest bail in Crime No.166 of 2015, registered at Shivoor Police Station, District Aurangabad, on 15th December 2015 for an incident of the same date, for the offences punishable under Sections 307, 395, 143, 147, 148, 149, 323, 504, 506, 427, 435 of Indian Penal Code and under Sections 3 (i) (ii) (x) (xi), 3 (2) (iii) (iv) (v) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

3. The prosecution case against the present applicants is that the applicants formed an unlawful assembly and have assaulted and destroyed the property of the complainant, as complainant belongs to reserve category. So far as contents of F.I.R. are concerned, specific role is attributed to one Sanjay Jadhav and Babasaheb Nikam.

4. The applicants are named in general and the allegations against them are also omnibus. No specific role is attributed to the applicants No.2 - Dadasaheb and 3 - Bhika.

5. Learned A.P.P. strenuously opposed the application on the ground that applicants are specifically named in the F.I.R. He would then urge that it is only upon further investigation, role of each of the applicants could be ascertained and if the custody of the applicants is granted, the same will help for further investigation.

6. Learned A.P.P. was assisted by the Counsel for complainant.

7. It is required to be noted herein that upon perusal of investigation papers, the omnibus statements are alleged against the accused persons, i.e. against Sanjay and Babasaheb in the F.I.R. Further investigation depicts that so far as applicant Madhav Jadhav is concerned, in the statement of witnesses, there is specific role attributed to applicant Madhav. Role attributed appears to be direct involvement in the crime in question.

8. Therefore, the application of applicant No.1 - Madhav Parasram Jadhav stands rejected.

9. So far as applicants No.2 and 3 are concerned, the investigation papers depicts omnibus allegations against these applicants. No specific role is attributed to them. The applicants are not directly named in any serious offence.

10. As such application of applicants No.2 and 3 stands allowed.

11. In the event of arrest in Crime No. 166 of 2015, registered at Shivoor Police Station, District Aurangabad, on 15th December 2015 for an incident of the same date, for the offences punishable under Sections 307, 395, 143, 147, 148, 149, 323, 504, 506, 427, 435 of Indian Penal Code and under Sections 3 (i) (ii) (x) (xi), 3 (2) (iii) (iv) (v) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, applicant No.2 – Dadasaheb Madhavrao Jadhav and applicant No.3 - Bhika Bhagchand Somase be released on bail, upon furnishing P.R. Bond of Rs.15,000/- with one surety in the like amount, by each of them.

12. The applicants No.2 and 3 shall attend the concerned Police Station on 15th and 16th February 2016 between 10.00 a.m. and 12.00 noon and thereafter as and when called.

13. The applicants No.2 and 3 shall keep themselves away from the jurisdiction of Shivoor Police Station till filing of charge-sheet, but for attending the Investigation Officer.

14. Criminal Application stands allowed to the extent of applicants No.2 and 3 in above terms.