

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

CRIMINAL APPLICATION NO.505 OF 2016

1. Yogesh s/o Laxman Somase,
Age 28 years, Occu. Education
R/o Plot No.25, 27, Bopdeo Ghat,
Kondhave-Saswad Road, Pune
411048
 2. Ganesh s/o Anna Jadhav,
Age 35 years, Occu. Service
(Teacher), R/o Loni (Kh),
Taluka Vaijapur, District
Aurangabad
 3. Ganesh s/o Madhavrao Jadhav,
Age 30 years, Occu. Service
(Teacher), R/o Loni (Kh),
Taluka Vaijapur, District
Aurangabad
- ..Applicants

Versus

- . The State of Maharashtra,
at the instance of Shivoor
Police Station,
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 destructed 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. Learned A.P.P., who was assisted by learned Counsel for the complainant, 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.

5. So far as applicants No.2 and 3 are concerned, they are teachers and claim to be public servants. A parity is claimed for releasing the applicants on bail based on the order passed by this Court on 18th January 2016 in Criminal Application No.328 of 2016.

6. So far as applicant No.1 is concerned, the investigation papers and the report submitted, it does not depict any prima facie involvement or serious attribution against him. It is required to be noted that applicants No.2 and 3 who are claimed to be public servants, there is no likelihood that they will run away from the process of investigation.

7. As such, applicants are entitled to be released on bail.

8. 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.1 Yogesh Laxman Somase, applicant No.2 Ganesh Anna Jadhav and applicant No.3 Ganesh Madhavrao Jadhav be released on bail, upon furnishing P.R. Bond of Rs.15,000/- with one surety in the like amount, by each of them.

9. The applicants 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.

10. The applicants shall keep themselves away from the jurisdiction of Shivoor Police Station till filing of charge-sheet, but for attending the Investigation Officer.

11. Criminal Application stands allowed in above terms.

(N.W. SAMBRE, J.)

vvr