

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

CRIMINAL APPLICATION NO.564 OF 2016

1. Bapu Ananda Nikam,
Age 28 years, Occu. Agri.,
2. Arun Vasant Gore,
Age 28 years, Occu. Agri.,
3. Kakasaheb Vasant Gore,
Age 34 years, Occu. Agri.,
4. Bajrang @ Vijay Chagan Pawar,
Age 25 years, Occu. Agri.,
5. Santosh Fakirchand Pawar,
Age 22 years, Occu. Agri.,
6. Dinanath @ Dinesh Bhaskar Kakade,
Age 20 years, Occu. Driver,
7. Uddhav Sanjay Gore,
Age 27 years, Occu. Agri.,

All r/o Loni Khurd, Taluka Vaijapur,
District Aurangabad

..Applicants

Versus

- . The State of Maharashtra,
at the instance of
Shivoor Police Station,
Vaijapur, District Aurangabad

..Respondent

Mr A.K. Bhosale, Advocate for applicants
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. 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.

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

5. So far as applicants No.1, 2 and 3 are concerned, since there is prima facie evidence about their involvement in the crime in question. their application is not pressed. As such, application of applicants No.1, 2 and 3 is dismissed as withdrawn.

6. So far as applicants No.4 Bajrang @ Vijay, applicant No.5 Santosh, applicant No.6 Dinanath @ Dinesh and applicant No.7 Uddhav are concerned, the role attributed to them from the investigation papers does not appear to be serious. There are omnibus allegations against them of stoning. Prima facie, their involvement in the crime in question, particularly involvement in serious crime cannot be concluded from the investigation papers.

7. As such, applicants No.4, 5, 6 and 7 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.4 Bajrang @ Vijay Chagan Pawar, applicant No.5 Santosh Fakirchand Pawar, applicant No.6 Dinanath @ Dinesh Bhaskar Kakade and applicant No.7 Uddhav Sanjay Gore 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 No.4 to 7 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 No. 4 to 7 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 to the extent of applicants No.4 to 7 in above terms.

(N.W. SAMBRE, J.)

vvr