

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

CRIMINAL APPLICATION NO.907 OF 2016

1. Mohan s/o Maruti Satre,
Age: 54 years, Occ: Agri.,
2. Rohidas s/o Maruti Satre,
Age: 53 years, Occ: Agri.,
3. Mahesh s/o Rohidas Satre,
Age: 21 years, Occ: Education,

All R/o. Karad, Post Wamori,
Tq. Rahuri, Dist. Ahmednagar.

...Applicants

versus

The State of Maharashtra
Through Police Station Officer
Rahuri Police Station
District Ahmednagar.

...Respondent

.....
Mr. Niteen V. Gaware, Advocate for applicant
Mrs. R.K. Ladda, Addl. Public Prosecutor for respondent
.....

CORAM : N.W. SAMBRE, J.

DATE : 23rd FEBRUARY, 2016

ORAL ORDER :

The applicants are seeking regular bail in Crime No. I-90 of 2015 registered with Rahuri Police Station, District Ahmednagar for the offence punishable under Sections 395, 307, 452, 354(A), 355, 324, 323, 504 and 506 of Indian Penal Code.

2. The prosecution case against the applicants is that they

entered the house of complainant Dwarkanath Bharadiya and dragged him and his son Shivam out of the house and brought them on road and made them naked by undressing them. Thereafter, the applicants took the complainant and his son, and parade them in naked condition in the market area. The applicants during the said time also assaulted family members of the complainant including his daughters and tried to outrage their modesty.

3. So far as applicants Mohan, Rohidas and Mahesh are concerned, there are specific allegations against them for the offence punishable under Section 307 of Indian Penal Code. Similar allegations are also against Mahesh, who has assaulted the daughters of complainant, namely Pradnya and Prachi.

4. While trying to make out a case for grant of bail, Mr. Gaware, learned Counsel for the applicants would urge that the case of applicants Mohan, Rohidas and Mahesh is at par with other applicants, who are already released on bail by this Court. He would submit that, the offences punishable under Sections 354(A) and 355 of Indian Penal Code are bailable. So far as the offence punishable under Section 307 of Indian Penal Code is concerned, there are sweeping allegations against the applicants.

5. Learned Additional Public Prosecutor has taken me through the charge sheet and submits that there is strong *prima facie* case against present applicants. He has also invited my attention to the statements of eye witnesses to the incident so as to demonstrate *prima facie* involvement of the applicants in crime in question.

6. In the above referred background, I have perused and analyzed the charge sheet, particularly statements of eye witnesses. It is required to be noted that applicants Mohan and Rohidas are assigned with specific role of assaulting Shivam, son of complainant, on his private part. The other applicant Mahesh assaulted daughters of the complainant on their private parts and has alleged to have committed the offence punishable under Section 354(A) of Indian Penal Code. There are eye witnesses to the incident. The investigation papers and statements of eye witnesses depict *prima facie* involvement of the applicants in the crime in question.

7. The parity as is claimed by the applicants with that of Bapu, Dharmendra, Mahesh, Ankush, Baban and Subhash is concerned, it is required to be noted that the applicants' involvement is not in isolated incident but specific role is attributed to the applicants of active participation in the commission of crime in question. Perusal of first information report and other investigation

papers including that of statements of eye witnesses speak of role played by each of the applicants at various stages in the crime in question. The said role as is attributed cannot be equated to the isolated role played by individual accused, with whom parity is claimed by the applicants. The repeated participation in the commission of crime as is narrated in F. I. R. speaks of criminal mind and determination to commit the same.

8. In my opinion, even if the investigation is completed and charge sheet is filed, still the fact remains that there is strong *prima facie* case of involvement of the applicants in serious crime. In that view of the matter, no case for grant of regular bail is made out. The application fails, stands rejected.

[N.W. SAMBRE, J.]