

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

CRIMINAL APPLICATION NO. 929 OF 2016

1. Pandurang Pandharinath Naikwade
2. Badrinath Damodhar Kakde
3. Dnayswar Rakhmaji Shirsath
4. Sanjay Rambhau Bhosle
5. Ajit Ramdas Bankar
6. Narayan Pandit Olekar
7. Ashok Narayan Wakle
8. Navnath Damodhar Kute
9. Babasaheb Chandrabhan Gaikwad
10. Subhash Lukhaji Matade ...Applicants

versus

The State of Maharashtra ...Respondent

WITH
CRIMINAL APPLICATION NO. 1214 OF 2016
IN
CRIMINAL APPLICATION NO. 929 OF 2016

Shri Shripad s/o Govindrao Patil ...Applicant

Versus

Pandurang Pandharinath Naikwade & ors. ...Respondents

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Mr. A. K. Bhosale, Advocate for applicants in Criminal Application No. 929/202016

Mr. A. S. Shinde, A.P.P. for respondent/State

Mr. Y. B. Bolkar, Advocate to assist A. P. P.

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CORAM : N.W. SAMBRE, J.

DATE : 29th FEBRUARY, 2016

ORAL ORDER :

Leave to correct the name of applicants.

2. For the reasons stated in Criminal Application No. 1214/2016 seeking permission to assist learned A. P. P., same stands allowed.

3. The applicants are seeking pre-arrest bail in Crime No. 242 of 2015 registered on 31/12/2015 with Karmad Police Station, District Aurangabad for the offence punishable under Sections 308, 440, 427, 447, 506, 120(B) of Indian Penal Code.

4. While trying to make out a case for grant of bail, learned Counsel for the applicants has raised two-fold contentions; (a) that there is tampering in the first information report and (b) delay about 18 days in submitting the first information before learned Magistrate. He would then submit that the Sections under which the applicants are punishable are not serious one and at the most are punishable with maximum of three years imprisonment.

5. The next submission of learned Counsel for the applicants is that the applicants, who are office bearers of Union,

have already given a notice of strike, out of some differences. The applicants are falsely involved in the crime in question.

6. Learned A.P.P., who is assisted by Mr Bolkar, learned Counsel for the complainant, submits that custodial interrogation of the applicants is necessary so as to find out *modus operandi* of the applicants in the matter of commission of crime. He would then submit that the delay in forwarding the copy of first information report to the Magistrate was intentional and has occurred because of inadvertence and the Senior Police Officer of police station has already instructed the concerned, hence be diligent in complying with the statutory duty. Learned A.P.P. would then urge that in case, if the applicants are released, there is every likelihood of disturbance of law and order situation at the work place in question and prays for rejection of the bail application.

7. Having considered the submissions made by respective Counsel, it is required to be noted that the offence in question is punishable maximum of three years imprisonment. Apart from above, the fact remains that strike notice dated 15/12/2015 and demand of employees' union are not disputed.

8. In this background, having regard to the nature of attribution to the applicants in the first information report, in my

opinion, custodial interrogation of the applicants is not necessary. Apart from above, it is required to be noted that it will be always open for the management to take appropriate disciplinary proceedings against the applicants, in case, if the applicants have failed to maintain proper atmosphere at work place.

9. In my opinion, the application needs to be allowed. Hence, the following order:-

In the event of arrest, the applicants be released on bail in connection with Crime No. 242 of 2015 registered on 31/12/2015 with Karmad Police Station, District Aurangabad for the offence punishable under Sections 308, 440, 427, 447, 506, 120(B) of Indian Penal Code, upon executing P.R. bond of Rs.15,000/- with one surety in the like amount, by each of them. The applicants shall attend the concerned police station on 5th and 6th March, 2016 between 10-00 a.m. to 12-00 noon and thereafter as and when called by the Investigating Officer.

10. The application stands allowed in above terms.

[N.W. SAMBRE, J.]