

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO. 1259 OF 2016

Mangesh s/o Madhavrao Pawde,
Age : 35 years, Occu. Agri. &
Business, R/o Deepnagar, Nanded

APPLICANT

VERSUS

The State of Maharashtra

RESPONDENT

Mr. R.N. Dhorde, Senior Advocate instructed by and
with Mr. Vikram S. Kadam, Advocate for the applicant
Mr. M.B. Bharaswadkar, A.P.P. for the respondent-State

CORAM : M.T. JOSHI, J.

DATE : 04/04/2016

ORAL ORDER :

1. Heard both sides.
2. The present applicant who is apprehending his arrest at the hands of Bhagyanagar Police Station, District Nanded in Crime No. 201/2015, registered for the offences punishable under section 395, 323 of the Indian Penal Code and under section 3 (1) (x) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, is praying for his release on bail in the event of his arrest.

3. The hearing from both sides as well as the documents submitted by both the sides would show that on 17th December, 2015, at the petrol pump owned by the present applicant, certain incident has occurred between him and his family members as well as the complainant and his friend.

4. The FIR in the episode is filed on 22nd December, 2015 by one Deepak @ Balu Raut i.e. the friend of Ratnakar @ Ratnadip Duthade. According to him, during the said incident, the present applicant has insulted the complainant over his caste and he and his friend Ratnakar were assaulted by the applicant, his relative and others with iron rod, spade, etc. Therefore, the present crime came to be registered.

5. Mr. R.N. Dhorde, learned senior counsel for the applicant points towards the fact that while the present FIR is filed on 22nd December, 2015 i.e. after five days of the incident, the complaint from the side of the present applicant was filed immediately after the occurrence. The injury certificate collected by the Investigating Officer would show that the family member

of the applicant, namely, Ramrao Pawade has received the injuries. Not only this, in the said crime, the investigating officer had immediately arrested the friend of the present complainant, namely, Ratnakar @ Ratnadeep Duthade. He was presented before the learned Judicial Magistrate First Class on 19th December, 2015 and was released on bail. At that time, no allegations of insult, beating or taking away of money were made at any time. In the circumstances, learned senior counsel submitted that the applicant be released on anticipatory bail.

6. The C.C. TV footage which has been admittedly inspected by the learned A.P.P. and the learned counsel for the applicant would admittedly show that the incident of either using any weapon by the present applicant or his companion or taking away of money could not be seen as recorded therein.

7. Considering the overall material on record, in my view, the custodial interrogation of the present applicant is not required. Hence, the following order :

8. In the event of arrest of the present applicant

in Crime No. 201/2015, registered with Bhagyanagar Police Station, District Nanded, for the offences punishable under section 395, 323 of the Indian Penal Code and under section 3 (1) (x) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, on his executing P.R. bond in the sum of Rs. 15,000/- (rupees fifteen thousand) and also upon furnishing surety in the like amount.

9. The applicant to attend the investigating officer/concerned police station between 09.00 a.m. and 10.00 a.m. for four consecutive Mondays commencing from 11th April, 2016, for the purpose of investigation/interrogation.

10. The present application is accordingly allowed and disposed of.

[M.T. JOSHI]
JUDGE

npj/criapln1259-2016