

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO. 1565 OF 2016

- 1] Pandurang S/o Vishwambhar Anjan,
Age – 60 years, Occupation – Agril.,
- 2] Mratyunjay S/o Pandurang Anjan,
Age – 32 years, Occu.: Agril.,
- 3] Shantanu Samitinjay Anjan,
Age-22 years, Occu.: Education,
- 4] Vijay @ Vijayabhinandan S/o Dattatraya Anjan,
Age – 40 years, Occu.: Agril.,
- 5] Arjun S/o Eknath Anjan,
Age- 35 years, Occu.: Agril.,
- 6] Haripandit S/o Eknath Anjan,
Age – 65 years, Occu.: Agril.,
- 7] Dayanand S/o Haripandit Anjan,
Age – 28 years, Occu.: Agril.,

All are R/o Sangaon, Tq. Ambejogai,
Dist. Beed

.. Applicants
(Accused)

Vs.

The State of Maharashtra
Through Police Station,
Ambejogai (City), Dist. Beed

.. Respondent

Mr. S.J. Salunke, Advocate for the applicants
Mr. A.S. Shinde, A.P.P. for the respondent-State

CORAM : M.T. JOSHI, J.
DATED : 30/03/2016

PER COURT :

Heard.

2. The present applicants, who are apprehending arrest at the hands of Ambejogai (City) Police Station, Dist. Beed in crime no.M-194 of 2015 for the offences punishable under section 120-B, 143, 147, 149, 323, 327, 379, 386, 504, 506 of the Indian Penal Code and under section 3(1)(x) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, are praying for their release on bail, in the event of their arrest.

3. The complaint of the complainant – Babasaheb Dhaware would show that over a dispute of the present applicants with one Yogiraj Anjan, the incident has occurred at Ambajogai, as he (complainant) was the regular labour of said Yogiraj. The said incident, according to the complainant, has occurred at 4.00 pm when all the present applicants insulted him over his caste. Specific allegations regarding insulting over the caste of the complainant are against the applicant

no.4 - Vijay @ Vijayabhinandan S/o Dattatraya Anjan and
applicant no.6 - Haripandit S/o Eknath Anjan.

4. Mr. Salunke, learned counsel for the applicants submits that in-fact, the complaint is belated. The case of the complainant is that initially his FIR was not registered by Ambajogai (City) Police Station, therefore, by post, he sent the complaint to the Superintendent of Police, Beed, however, as no action was taken, he filed application under section 156(3) of the Code of Criminal Procedure to the learned Judicial Magistrate First Class, Ambajogai, on the basis of which the FIR came to be registered.

5. It was further submitted by Mr. Salunke, that the ladies named in the FIR i.e. Laxmibai and Alkabai are in-fact the interested witnesses, as Laxmibai is the mother-in-law and Alkabai is the neighbour, respectively, of the complainant.

6. Mr. Salunke, learned counsel for the applicants, on instructions of the applicants, submits that the applicants do not wish to press the

application so far as applicant no.4 - Vijay @ Vijayabhinandan S/o Dattatraya Anjan and applicant no.6 - Haripandit S/o Eknath Anjan are concerned. He however submits that as general allegations of insult over caste are made against the rest of the applicants, they may be released on anticipatory bail.

7. Learned A.P.P. opposed the plea. He submits that there are independent witnesses to the incident.

8. Considering all the facts on record, as specific allegations are made against applicant no.4 and applicant no.6 and general allegations against the rest of the accused/applicants are made and the admitted fact of enmity between master of the complainant and the present applicants, in my view, the custodial interrogation of the rest of the applicants is not required.

9. In the circumstances, the following order :-

10. The application stands disposed of as withdrawn as regards applicant no.4 - Vijay @ Vijayabhinandan S/o Dattatraya Anjan and applicant

no.6-Haripandit S/o Eknath Anjan. Interim protection granted to these applicants by this Court vide order dated 14/03/2016 is hereby vacated.

11. Interim protection granted to the rest of the applicants i.e. applicant nos.1, 2, 3, 5 and no.7, by this Court vide order dated 14/03/2016, is hereby made absolute on the same terms and conditions.

12. Application stands disposed of accordingly.

[M.T. JOSHI]
JUDGE

arp/