

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO. 1934 OF 2016

- 1] Waman @ Santosh Gorakh Dhaytadak
Age : 19 years, Occu. Education,
R/o. Dhaytadakwadi, Tq. Pathardi,
Dist. Ahmednagar
 - 2] Pralhad Babasaheb Dhaytadak,
Age : 20 years, Occu. Education,
R/o As above
 - 3] Balasaheb Sunil Dhaytadak,
Age : 24 years, Occu.: Education,
R/o. As above
 - 4] Pandurang Babasaheb Dhaytadak,
Age : 21 years, Occu.: Education,
R/o. As above
 - 5] Ajinath @ Adinath Eknath Dhaytadak,
Age : 42 years, Occu. : Agri.,
R/o As above
 - 6] Gorakh Eknath Dhaytadak,
Age : 39 years, Occu.: Agri.,
R/o. As above
 - 7] Raju Baburao Dhaytadak,
Age : 45 years, Occu.: Agri.,
R/o. As above
 - 8] Narayan Baburao Dhaytadak,
Age : 35 years, Occu.: Education,
R/o. As above
- .. Applicants

VERSUS

The State of Maharashtra
Through the Police Inspector,
Pathardi Police Station,
Tq. Pathardi, Dist. Ahmednagar

.. Respondent

Mr. V.D. Sapkal, Advocate for the applicants
Mr. A.S. Shinde, A.P.P. for the respondent-State

CORAM : M.T. JOSHI, J.

DATE : 16/04/2016

ORAL ORDER :

Heard both sides. Perused the case papers.

2. The present applicants, who are apprehending arrest at the hands of Pathardi Police Station, Dist. Ahmednagar in crime no. I-67 of 2016 for the offences punishable under section 436 and 143 of the Indian Penal Code, are praying for their release on bail, in the event of their arrest.

3. The FIR dated 19/2/2016 filed by Babasaheb Dhaytadak i.e. the family member of the present applicant would show that on 16/1/2016, he was assaulted by Arjun Popat Dhaytadak and his family members. So far as Arjun Dhaytadak is concerned, the allegations are that he assaulted him with a sickle over his head and he became unconscious. After regaining the consciousness in the hospital, the complaint was recorded on 19/2/2016.

4. In this background, the present crime is registered against the applicants on the basis of the complaint filed by the wife of said Arjun Dhaytadak, namely, Savitra Dhaytadak. In the said complaint, she alleged that on 19/2/2016, in the night, all the applicants had gathered at her house at about 11.00 pm and in the said incident, her shed adjoining to the house was set on fire. It is specifically alleged that applicant no.1-Waman, applicant no.2-Pralhad and applicant no.3-Balasaheb had set on fire the said place while rest of the applicants were present with sticks in their hands.

5. Perused the panchanama of spot of occurrence. It would show that the building was seen as affected with fire, in which grain and certain other material worth Rs.9000/- was gutted in the fire.

6. Considering all the material on record and upon hearing both sides and considering the active role alleged to have been played by applicant nos.1, 2 and 3, they cannot be released on anticipatory bail.

Previously, applicant nos.2 and applicant no.4 were directed to be released on interim anticipatory bail, as they were appearing for examination. In the circumstances, the following order:-

7. The application as regards applicant no.1-Waman @ Santosh Gorakh Dhaytadak, applicant no.2-Pralhad Babasaheb Dhaytadak and applicant no.3-Balasaheb Sunil Dhaytadak is hereby dismissed. Interim protection granted to applicant no.2-**Pralhad Babasaheb Dhaytadak** stands vacated.

8. In the event of the arrest of the **applicant no.4-Pandurang Babasaheb Dhaytadak, applicant no.5-Ajinath @ Adinath Eknath Dhaytadak, applicant no.6-Gorakh Eknath Dhaytadak, applicant no.7-Raju Baburao Dhaytadak and applicant no.8-Narayan Baburao Dhaytadak** in crime no. I-67 of 2016 registered at Pathardi Police Station, Dist. Ahmednagar for the offences punishable under section 436 and 143 of the Indian Penal Code, each of them be released on bail, upon their executing P.R. bonds in the sum of Rs.10,000/- (Rs. Ten Thousand) each and also upon furnishing surety each in the like

amount.

. These applicants shall attend the Investigating Officer, as and when reasonably called for the purposes of investigation/interrogation.

9. Application stands disposed off accordingly.

[M.T. JOSHI]
JUDGE

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