

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO. 2503 OF 2016

Mayadevi W/o Mahadeo Pardeshi
and others

.. Applicants

Vs.

The State of Maharashtra and anr.

.. Respondents

.....

Mr. B.P. Suryawanshi, Advocate for the applicants

Mr. S.J. Salgare, APP for the respondent-State

.....

CORAM : N.W. SAMBRE, J.

DATE : 10/06/2016

ORAL ORDER :

Heard.

2. The application is restricted only to the extent of applicant no. 2 — Mahadeo Chaitram Pareshi, as the other applicants are already arrested.

3. In view of above, application at the behest of other applicants i.e. applicant nos.1, 3, 4 and 5 stands rejected as infructuous.

4. The applicant no.2 is seeking pre-arrest bail in Crime no. 83 of 2016 registered at Dhule City Police Station, Dist. Dhule for the offences punishable under section 307, 353, 332, 186, 143, 149, 323, 504 of the Indian Penal Code and under section 37(1)(3), 135 of the Bombay Police Act.

5. It is not in dispute that applicant no.2's wife Mayadevi is a councillor in the Dhule Municipal Corporation. Commissioner of the said Municipal Corporation has lodged a complaint that the applicant no.2 - Mahadeo alongwith his son and councillor wife (Mayadevi) has taken out a morcha and tried to assault the complainant and created interference in the process of discharging public duties by the complainant. Not only that, the people who were accompanying present applicants even tried to assault the complainant. The complainant even alleged that the members of unlawful assembly of which the applicant no.2 was one of the member,

have issued death threats.

6. While trying to make out a case for grant of pre-arrest bail, Shri Suryawanshi, learned counsel for the applicants would submit that the ingredients of offence punishable under section 353 of the Indian Penal Code are not made out as people were peacefully protesting and there was no direct and specific overt act attributed to the applicant no.2.

7. Learned A.P.P. opposed the application on the ground that there was active participation of the applicant no.2 in the crime in question and he is specifically named as one of the accused.

8. Having perused the contents of the FIR and other investigation papers, it is required to be noted that the ingredients of offence punishable under section 353 of the Indian Penal Code are already made out as there appears to be sufficient evidence as against applicant no.2 about his

involvement in the crime in question.

9. In view thereof, in my opinion, no case for grant of pre-arrest bail to applicant no.2-Mahadeo Chaitram Pardeshi is made out. Application stands rejected.

[N.W. SAMBRE]
JUDGE

arp/-