

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

CRIMINAL APPLICATION NO. 2803 OF 2016

1. Nilu Gulab Kharade,
Age: 45 years, Occ: Agri.,
2. Bibishan Gulab Kharade,
Age: 50 years, Occ: Agri.,
3. Pandit Gulab Kharade,
Age: 55 years, Occ: Agri.,

Nos. 1 to 3 R/o. Bhose, Tq. Karjat,
Dist. Ahmednagar.

4. Bhima @ Bhimrao Lahanu Kharade,
Age: 64 years, Occ: Agri.,
5. Pradeep Bhima Kharade,
Age: 30 years, Occ: Medical Practitioner,

Nos. 4 and 5 R/o. Bhose,
Tq. Karjat, Dist. Ahmednagar,
At present R/o. Karjat,
District Ahmednagar.

...Applicants

versus

The State of Maharashtra,
through Police Station Officer,
Shrigonda Police Station,
District Ahmednagar.

...Respondent

WITH

**CRIMINAL APPLICATION NO. 2864 OF 2016
IN
CRIMINAL APPLICATION NO. 2803 OF 2016**

Sau. Latabai w/o Shivaji Kale,
Age: 60 years, Occ: Labourer,
R/o. Tandali Dumala Shivar,
Dhawde vasti, Tq. Shrigonda,
District Ahmednagar.

...Applicant

Versus

1. The State of Maharashtra,
through Police Station,
Shrigonda, Dist. Ahmednagar.
2. Nilu Gulab Kharade,
Age: 45 years, Occ: Agri.,
3. Bibishan Gulab Kharade,
Age: 50 years, Occ: Agri.,
4. Pandit Gulab Kharade,
Age: 55 years, Occ: Agri.,
5. Bhima @ Bhimrao Lahanu Kharade,
Age: 64 years, Occ: Agri.,
6. Pradeep Bhima Kharade,
Age: 30 years, Occ: Medical Practitioner,

Nos. 2 to 6 R/o. Bhose,
Tq. Karjat, Dist.Ahmednagar.

...Respondents

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Mr. Niteen V. Gaware, Advocate for applicants in Criminal
Application No.2803/2016 and for respondent Nos.2 to 6
in Criminal Application No.2864/2016

Mr. S.D. Ghayal, A.P.P. for respondent/State

Mr. R.P. Phatke, Advocate to assist A.P.P.

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CORAM : N.W. SAMBRE, J.

DATE : 7th JUNE, 2016

ORAL ORDER :

For the reasons stated in Criminal Application No. 2864
of 2016 to assist learned A.P.P., same stands allowed.

2. Mr. Gaware, learned Counsel for the applicants has not
pressed the application for grant of pre-arrest bail of applicant No.3

Pandit Gulab Kharade, as such, same stands disposed of, as not pressed.

3. So far as remaining applicants are concerned, they are seeking pre-arrest bail in Crime No.I-191 of 2016 registered at Shrigonda police station, District Ahmednagar for an offence punishable under Sections 324, 143, 147, 148, 149, 504, 506 of the Indian Penal Code read with Section 3(1)(x) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

4. While trying to make out case for grant of pre-arrest bail, Mr. Gaware, learned Counsel for the applicants submits that, so far as the case under Atrocities Act is concerned, there is hardly any attributions against the applicants. He would then submit that the applicants are falsely implicated in the crime as there are vague allegations against the applicants and no specific role is attributed to each of them.

5. Learned A.P.P. opposed the application on the ground that medical evidence as is brought on record during investigation depicts commission of crime in question. Mr. Phatke, learned Counsel, who assisted learned A.P.P. submits that there is criminal history as against applicant No. 3 Pandit and there is sufficient

material to infer *prima facie* involvement of the applicant-accused persons.

6. Having perused the investigation papers, it is noted that the applicants herein are named as accused, however, there is no specific role attributed to each of them, as regards caste based insulting attributions.

7. In this background, in my opinion, no custodial interrogation of the applicants is not necessary. Hence, the following order is passed:-

(i) In the event of arrest, applicant No. 1 Nilu Gulab Kharade, 2. Bibishan Gulab Kharade, 4. Bhima @ Bhimrao Lahanu Kharade and 5. Pradeep Bhima Kharade be released on bail in connection with Crime No.I-191 of 2016 registered at Shrigonda police station, District Ahmednagar, for an offence punishable under Sections 324, 143, 147, 148, 149, 504, 506 of the Indian Penal Code read with Section 3(1)(x) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, upon furnishing P.R. bond of Rs.15,000/- with one surety in the like amount, by each of them.

(ii) They shall not enter the jurisdiction of village Tandali

Dumala Shivar, Taluka Shrigonda, District Ahmednagar i.e. place of complainant Sau. Latabai w/o Shivaji Kale.

8. Criminal Application No. 2803 of 2016 for grant of pre-arrest bail stands allowed in above terms.

[N.W. SAMBRE, J.]