

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO. 2831 OF 2016

Ganesh S/o Manoharrao Ghodke,
Age : 43 years, Occu : Agriculture
and Business, R/o : Village Loladgaon,
Taluka and District : Beed .. Applicant/
Accused

Vs.

- 1] The State of Maharashtra,
through the Police Sub Inspector,
Shivaji Nagar Police Station,
Beed, Taluka and District
Beed
- 2] The Superintendent of Police,
Beed .. Respondents

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Mr. Rajendra S. Deshmukh, Advocate for the applicant
Mr. A.S. Shinde, A.P.P. for the respondent-State

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CORAM : N.W. SAMBRE, J.
DATED : 07/06/2016

ORAL ORDER :

Heard both sides.

2. The applicant is seeking pre-arrest bail in
Crime no. 0282 of 2016 registered with Shivajinagar
Police Station, Beed, Tq. and Dist. Beed for the

offences punishable under section 341, 342, 143, 323, 504, 506, 364 of the Indian Penal Code and under section 3/25 of the Arms Act, 1959.

3. It is the case of the prosecution that the applicant is specifically named in the FIR and the role attributed to him is that he has demanded an amount of Rs.20 Lakhs alongwith the main accused – Balasaheb from the complainant – Sudhir Shinde.

4. While trying to make out a case for grant of bail to the applicant, Shri Deshmukh, learned counsel for the applicant would urge that the applicant is falsely involved in the crime in question and particularly in view of the political enmity between the complainant and the applicant. He would then submit that the basis for registration of the crime, as is reflected in the FIR, is the financial transaction and the same at the most, could be termed as a civil dispute. According to him, the cheques are already recovered and the

custodial interrogation of the applicant is not necessary.

5. Shri A.S. Shinde, learned A.P.P. while opposing the application, would submit that the application be rejected as the applicant is involved in a serious crime which calls for his custodial interrogation.

6. He would submit that as the applicant is specifically named in the FIR and the investigation depicts that the applicant has participated in the crime, the application be rejected.

7. Having bestowed my thoughtful consideration to the submissions advanced before me and upon perusal of the investigation papers, it is to be noted that the investigation in the matter is almost complete, as the alleged cheques for an amount of Rs.20 Lakhs are already recovered from the other co-accused, who are already released by this Court on regular bail. Apart from above, there is hardly any

material to infer that the custodial interrogation of the applicant is necessary.

8. In view of above, the following order:-

ORDER

I) In the event of arrest of the applicant in Crime no. 0282 of 2016 registered with Shivajinagar Police Station, Beed, Tq. And Dist. Beed for the offences punishable under section 341, 342, 143, 323, 504, 506, 364 of the Indian Penal Code and under section 3/25 of the Arms Act, 1959, he be released on bail, upon his executing P.R. bond in the sum of Rs.15,000/- (Rs. Fifteen Thousand) and also upon furnishing surety in the like amount.

II) The applicant shall not enter the territorial jurisdiction of Shivajinagar Police Station, Beed, Tq. and Dist. Beed till filing of the chargesheet and the applicant shall not tamper with the prosecution evidence in any manner.

9. Criminal Application stands disposed of accordingly.

[N.W. SAMBRE]
JUDGE

arp/-