

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO. 3423 OF 2016

1] Ravi @ Ravindra S/o Raju Bhalerao
Age : 29 years, Occu. Business

2] Dattu @ Shankar Ashok Kale
Age : 28 years, Occu. Business

3] Rahul S/o Manohar Lad,
Age : 22 years, Occu.: Business,

All R/o Newasa Phata, Tq. Newasa,
Dist. Ahmednagar

.. Applicants
(Orig. Accused)

Vs.

The State of Maharashtra
Through its Investigating Officer,
Newasa Police Station,
Tq. Newasa, Dist. Ahmednagar

.. Respondent

AND

CRIMINAL APPLICATION NO. 3418 OF 2016

Nikhil Kishanlal @ Gopalseth Chandani
Age : 23 years, Occu. Business,
R/o. Newasa Phata, Tq. Newasa,
Dist. Ahmednagar

.. Applicant

Vs.

The State of Maharashtra
Through its Investigating Officer,
Newasa Police Station,
Tq. Newasa, Dist. Ahmednagar

.. Respondent

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Mr. N.B. Narwade, Advocate for the applicants in both Applications

Mr. S.Y. Mahajan, APP for the respondent-State

Mr. V.B. Jagtap, Advocate to assist APP

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CORAM : N.W. SAMBRE, J.

DATE : 05/08/2016

ORAL ORDER :

Heard.

2. So far as applicant no.1 - Ravi @ Ravindra S/o Raju Bhalerao in Criminal Application No. 3423 of 2016 is concerned, his application for grant of regular bail was not pressed and on 26th July, 2016, this Court has dismissed his application.

3. So far as applicant nos.2 and 3 in Criminal Application No.3423 of 2016 and applicant in Criminal Application No. 3418 of 2016 are concerned, they are seeking regular bail in Crime no.I-133 of 2016 registered at Newasa Police Station, Dist. Ahmednagar for the offences punishable under section 395, 384, 324, 427 r/w. 34 of the Indian Penal Code.

4. The prosecution case against the present applicants appears to be that the applicants being members of unlawful assembly, have assaulted the employees of the complainant and damaged his restaurant.

5. The applicants were arrested on 31/5/2016. The chargesheet is not filed, as some of the accused are absconding. The Investigating Officer has committed before this Court, that he will take recourse to provisions of section 82 and 83 of the Code of Criminal Procedure. He may do so.

6. It is to be noted herein that there are no criminal antecedents against the applicants. Their custodial interrogation is already over. The investigation for their role is already looked into. In view thereof, the Criminal Applications, in my opinion, need to be allowed.

7. The applicant no. 2-Dattu @ Shankar Ashok

Kale and applicant no.3 – Rahul S/o Manohar Lad in Criminal Application No.3423 of 2016 and applicant – Nikhil Kishanlal @ Gopalseth Chandani in Criminal Application No.3418 of 2016 be released on bail in Crime no.I-133 of 2016 registered at Newasa Police Station, Dist. Ahmednagar for the offences punishable under section 395, 384, 324, 427 r/w. 34 of the Indian Penal Code, upon their executing P.R. bonds in the sum of Rs.15,000/- (Rs. Fifteen Thousand) each with one surety each in the like amount.

8. These applicants shall not enter the jurisdiction of concerned Police Station, till the chargesheet is filed.

9. These applicants shall not tamper with the prosecution evidence or influence the witnesses in any manner.

10. The amount deposited by the applicants is already handed over to the complainant towards the

damages suffered by him, as volunteered by the applicants.

11. Both Criminal Applications stand disposed of accordingly.

[N.W. SAMBRE]
JUDGE

arp/-