

(1)

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

CRIMINAL APPLICATION NO.3578 OF 2016

Ninad s/o Rajendra Dev,
Age: 25 years, Occ: Student,
R/o. Chitale Road, Ahmednagar,
Tq. & Dist. Ahmednagar. ..APPLICANT

VERSUS

The State of Maharashtra
Through the Superintendent of Police,
Ahmednagar & anr ..RESPONDENTS

WITH

**CRIMINAL APPLICATION NO.3603 OF 2016
IN
CRIMINAL APPLICATION NO.3578 OF 2016**

Vasantrao Keshavrao Palve,
Age: 62 years, Occ: Advocate/Agri.,
R/o. Iwale Lane, Maliwada,
Ahmednagar. ..APPLICANT

VERSUS

The State of Maharashtra & anr ..RESPONDENTS

Mr V.D. Hon, Senior Counsel I/b Mr. A.T. Kanawade,
Advocate for applicant;
Mr A.B. Girase, Public Prosecutor for
respondent/State
Mr. N.B. Narwade, Advocate to assist Public
Prosecutor

CORAM : N.W. SAMBRE, J.

DATE : 3rd August, 2016

(2)

ORDER :

For the reasons stated in Criminal Application No. 3603 of 2016 seeking permission to assist prosecution, same stands allowed.

2. The applicant, who is a student taking education in Law, is seeking pre-arrest bail in Crime No.I-194 of 2016 registered with Kotwali Police Station, District Ahmednagar, for the offence punishable under Sections 395, 363, 307, 327, 329, 341, 342, 504, 506 of the Indian Penal Code read with 3,4/25 of the Arms Act.

3. The allegation against the present applicant as per prosecution story is that the applicant's father is owner of some property in regard to which, landlord – tenant dispute is going on between the complainant and father of the applicant. It is alleged that the applicant along with his father gave contract to the co-accused persons for getting the premises vacated from the complainant and in view thereof complainant was

(3)

abducted and assaulted and certain documents were got executed from him.

4. While trying to make out a case for grant of bail, Mr. Hon, learned Senior Counsel would urge that there is hardly any material on record to connect the present applicant to the crime in question. He would submit that so far as the applicant is concerned, there are no criminal antecedents and is very much available for investigation being a student. Apart from above, CCTV footage, according to him, which was part of the investigation process, does not depict any direct involvement of the applicant in the crime in question.

5. Mr. Girase, Public Prosecutor would strenuously oppose the application in view of the fact that one of the co-accused has named the applicant, as involved in the crime in question, as he was also instigating the accused persons to commit crime. Mr. Girase, Public Prosecution, who

(4)

is assisted by Mr. Narwade, learned Counsel for the complainant, would submit that the custodial interrogation of this applicant is also necessary to find out mode and manner of the commission of crime in question.

6. Having perused the investigation papers, *prima facie* it is required to be noted that the role attributed to the applicant as that of involvement of the crime in question does not appear to be probable, particularly when there is hardly any material on record collected during the investigation connecting the applicant directly to the crime in question.

7. Apart from above, the applicant's other family members i.e. his mother and father are also impleaded as accused and mother is already released on pre-arrest bail.

8. In absence of criminal antecedents and he being a student, it will be appropriate, for the

(5)

reasons stated herein above, in my opinion, to allow the application. Hence, the following order:-

(a) In the event of arrest of the applicant, in connection with Crime No.I-194 of 2016 registered with Kotwali Police Station, District Ahmednagar, for the offence punishable under Sections 395, 363, 307, 327, 329, 341, 342, 504, 506 of the Indian Penal Code read with 3,4/25 of the Arms Act, he be released on bail, on his furnishing P.R. Bond of Rs.15,000/- with one surety in the like amount.

(b) The applicant shall attend the concerned police station as and when called.

9. Criminal Application No. 3578 of 2016 stands allowed in above terms.

(N.W. SAMBRE, J.)