

(1)

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

CRIMINAL APPLICATION NO.3689 OF 2016

Pandit s/o Gulab Kharade,
Age : 55 yrs. Occu. Agri.,
R/o Bhose, Tq. Karjat,
Dist. Ahmednagar

..APPLICANT

VERSUS

The State of Maharashtra
Through Police Station Officer
Shrigonda Police Station
Dist. Ahmednagar

..RESPONDENT

Mr N.V. Gaware, Advocate for applicant;
Mr R.V. Dasalkar, Addl. Public Prosecutor for respondent

CORAM : A.S. CHANDURKAR, J.

DATE : 15th November, 2016

ORAL ORDER :

Heard.

2. The applicant apprehends his arrest with regard to C.R. No.I-191 of 2016, registered at Shrigonda police station, for offences punishable under sections 324, 143, 147, 148, 149, 504, 506 of the Indian Penal Code along with section 3 (1) (x) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

3. The applicant herein had initially filed Criminal Application No.2803 of 2016 along with the other accused, but the same was not pressed insofar this applicant is concerned. By order dated 7th June, 2016, the

(2)

aforesaid application, insofar as the present applicant is concerned, was disposed of.

4. It is submitted by the learned Counsel for the applicant that in view of the earlier offence registered vide C.R. No.301 of 2009, the earlier application was not pressed. However, subsequently "B" summary came to be filed in that crime and hence the present applicant is entitled to grant of relief on the basis of parity.

5. Reference is made to the order passed by this court in Criminal Application No.2803 of 2016, granting relief insofar as other accused are concerned. Reference is also made to the order dated 30th June, 2016 in Criminal Application No.2966 of 2016.

6. The learned Addl. Public Prosecutor opposed the application on the ground that there was *prima facie* involvement of the applicant. It is, however, not disputed that "B" summary came to be filed in earlier C.R. No.301 of 2009.

7. Having perused the first information report along with the orders passed in Criminal Application No.2803 of 2016 and Criminal Application No.2966 of 2016, it appears that no specific role is attributed to the present applicant. Hence, on parity, the applicant is entitled for relief.

8. Accordingly, the following order is passed :-

(3)

- (i) In the event of arrest, applicant Pandit s/o Gulab Kharade be released on bail in connection with C.R. No.I-191 of 2016, registered at Shrigonda police station, District Ahmednagar, for offences 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.

- (ii) He 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.

Application is allowed in above terms.

(A.S. CHANDURKAR, J.)

amj