

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO. 3847 OF 2016

Kakasaheb S/o Vasantrao Gore,
Age 34 years, Occu.: Agri.,
R/o Daskuli. Tq. Vaijapur,
Dist. Aurnagabad

.. Applicant

Vs.

The State of Maharashtra,
Through the Police Inspector,
Shivoor Police Station,
Tq. Vaijapur, Dist. Aurangabad

.. Respondent

.....

Mr. R.R. Karpe, Advocate for the applicant
Ms. R.P. Gour, APP for the respondent-State
Mr. B.N. Magar Patil, Advocate for complainant.

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CORAM : N.W. SAMBRE, J.

DATE : 27/07/2016

ORAL ORDER :

Heard.

2. The applicant came to be arrested in Crime no. I-166 of 2015 registered at Shivoor Police Station, Tq. Vaijapur, Dist. Aurangabad for the offences punishable under section 307, 395, 323, 504, 506, 143, 147, 148, 149, 427, 435 of the Indian

Penal Code and under section 3(1)(ii)(x)(xi), 3(2) (iii) (iv) (v) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, pursuant to supplementary chargesheet filed against him on 24/6/2016.

3. Based on the investigation papers, as are reflected in the chargesheet and the supplementary chargesheet, Shri Karpe, learned counsel for the applicant submits that the further detention of the applicant is not necessary, as though he is named as accused no.23 in the FIR, there is no specific role attributed to him. The learned counsel then would urge that as the chargesheet is already filed, his further detention is not necessary.

4. Learned A.P.P. Ms. Gour was assisted by Mr. Patil, learned counsel for the complainant, who has strenuously opposed the application on the ground that already against the applicant, crime no. 21 of 2012 was registered for the offences punishable

under section 143, 147, 149, 395, 323, 504, 506 of the Indian Penal Code. She would then submit that as there are threats issued to the complainant and his family members, certain NCs are registered. Apart from above, according to learned A.P.P., who is assisted by learned counsel for the complainant, if the applicant is released on bail, there is likelihood of law and order problem and as such prays for rejection of the application.

5. The applicant herein was specifically named as an accused in the FIR, however, perusal of the FIR does not depict any specific role as against the applicant. The statements of the witnesses and the supplementary statement also does not attribute specific role to the applicant, particularly of using any weapon in commission of the crime in question but for vague allegations.

6. After the arrest of the applicant, there is supplementary chargesheet filed and it could be

observed that nothing is seized from the applicant in the crime in question. In this view of the matter, in my opinion, case for grant of regular bail is made out. Hence, the following order:-

7. The applicant be released on bail in Crime no.I-166 of 2015 registered with Shivoor Police Station, Tq. Vaijapur, Dist. Aurangabad for the offences punishable under section 307, 395, 323, 504, 506, 143, 147, 148, 149, 427, 435 of the Indian Penal Code and under section 3(1)(ii)(x)(xi), 3(2)(iii) (iv) (v) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, upon his executing P.R. bond in the sum of Rs.25,000/- (Rs. Twenty Five Thousand) with one surety in the like amount.

8. The applicant shall not tamper with the prosecution evidence or influence the witnesses in any manner.

9. The applicant shall keep himself away from

the jurisdiction of the Police Station for a period of three (3) months from the date of his release on bail.

10. Criminal Application stands disposed of accordingly.

[N.W. SAMBRE]
JUDGE

arp/-