

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

Criminal Application No. 4566 of 2016

District : Hingoli

1. Vinayak s/o. Shriram Bhise,
Age : 40 years,
Occupation : Agriculture,
R/o. Gawalipura, Hingoli,
Taluka & District : Hingoli.
2. Ashraji @ Pappu Suresh Chavan,
Age : 30 years,
Occupation : Agriculture,
R/o. Gawalipura, Hingoli,
Taluka & District : Hingoli. .. Applicants.

versus

The State of Maharashtra. .. Respondent.

With

Criminal Application No. 4570 of 2016

District : Hingoli

1. Vinayak s/o. Shriram Bhise,
Age : 40 years,
Occupation : Agriculture,
R/o. Gawalipura, Hingoli,
Taluka & District : Hingoli.
2. Ashraji @ Pappu Suresh Chavan,
Age : 30 years,
Occupation : Agriculture,
R/o. Gawalipura, Hingoli,
Taluka & District : Hingoli. .. Applicants.

versus

1. The State of Maharashtra.

2. Police Station Incharge,
Hingoli (T) Police Station,
District : Hingoli.

.. Respondent.

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Mr. N.S. Ghanekar, Advocate, for applicants.

Mr. S.D. Ghayal, Addl. Public Prosecutor, for respondents.

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CORAM : A.M. BADAR, J.

DATE : 8TH SEPTEMBER 2016

ORAL ORDER:

Both applicants are apprehending their arrest in Crime No. 107/2016 registered with Basamba Police Station, District Hingoli, for offences punishable under Sections 143, 147, 148, 149, 341, 336, 435, 186, 427, read with Section 34 of the Indian Penal Code; under Sections 3 and 4 of Prevention of Damage to Public Property Act, 1984; under Section 7 of Criminal Law Amendment Act and under Section 135 of the Maharashtra Police Act. They are also apprehending their arrest in Crime No. 290/2016 registered with Hingoli City Police Station, District Hingoli, for offences punishable under Sections 435, 341, 336, 446, 427, 186, read with Section 34 of the Indian Penal Code; under Section 3

and 4 of Prevention of Damage to Public Property Act, 1984 and under Section 7 of Criminal Law Amendment Act. By these applications, they are seeking pre-arrest bail.

2. Heard the learned Counsel for applicants. He argued that there is no iota of evidence to connect applicants to the crimes in question.

3. The learned Addl. Public Prosecutor opposed applications by contending that spot Panchanama shows damage to the public property and names of applicants have come on record through statements of co-accused.

4. Perused FIRs lodged by drivers of S.T. buses. FIRs reveal that few miscreants damaged S.T. buses and also caused damage by fire to those S.T. buses. Both FIRs are lodged by drivers of S.T. buses against unidentified persons.

5. Perusal of papers of investigation does not show any tangible evidence to connect present applicants with crimes in question. Prima facie it is seen that offences punishable under the Indian Penal Code leveled against present applicants are bailable in nature.

6. Considering the nature of evidence available

against present applicants as well as the nature of crime allegedly committed by them, their custodial interrogation is not warranted. As such, the order :-

(a) Both Applications are allowed.

(b) Orders dated 19th August 2016, granting ad interim anticipatory bail to applicants, are confirmed on the same terms and conditions.

7. Both Applications are accordingly disposed of.

(A.M. BADAR)
JUDGE

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