

Criminal Application No. 4827 of 2016

Ashok s/o. Baliram Gaikwad,
Age : 27 years,
Occupation : Agriculture,
R/o. Katgaon,
Taluka & District : Latur. .. Applicant.

The State of Maharashtra,
Through Gategaon Police Station,
Taluka & District : Latur. .. Respondent.

Mr. S.M. Ganachari, Addl. Public Prosecutor, for
the respondent.

DATE : 1ST SEPTEMBER 2016

The applicant / accused in Crime No. 116/2016, registered with Police Station, Gategaon, District Latur, for offences punishable under Sections 143, 147, 148, 149, 323, 324, 504, 295 of the Indian Penal Code and under Section 3(1)(t) of the Scheduled Castes & Scheduled Tribes (Prevention

of Atrocities) Act, 1898 [**For short, "Atrocities Act"**], by this application, is seeking his release on bail.

2. Heard the learned Counsel appearing for the applicant / accused. He submitted that all co-accused are released on bail.

3. The learned Addl. Public Prosecutor argues that there are statements of eye witnesses which shows that the present applicant had thrown a stone at photograph of late Annasaheb Sathe, thereby damaging that photograph. The learned Addl. Public Prosecutor further argued that the statements of witnesses goes to show that present applicant and co-accused had indulged in assault.

4. Perused the FIR as well as the record made available. Allegations against the present applicant and co-accused are to the effect that the present applicant had asked the persons from the procession to switch off the Dolby music system used in the procession and thereafter present applicant and co-accused indulged in riot. Present applicant had thrown a stone at the photograph of late Annasaheb Sathe who is held in high esteem by the members of the Scheduled Castes.

5. Be that as it may, the applicant is already in magisterial custody remand. Relevant

investigation qua the present applicant can, therefore, be said to be over. Considering the nature of offence, further pre-trial detention of the present applicant is not warranted.

6. Hence, I pass the following order :-

(a) The Application is allowed.

(b) The applicant / accused, in the above crime, be released on bail on his executing P.R. Bond in the sum of Rs. 5,000/- and on executing one or more solvent sureties of the like amount.

(c) The applicant shall not, directly or indirectly, make any inducement, threat or promise to any persons acquainted with the facts of the case so as to dissuade them from disclosing such facts either to the Court or to any police officer.

(d) The applicant shall not tamper with the prosecution evidence in any manner and shall cooperate the learned trial Judge in expeditious disposal of the trial, in the event of filing charge-sheet against him by the Investigating Officer.

(e) The applicant shall not repeat commission of similar type of offences in future.

7. The Application stands disposed of in the
aforesaid terms.

(A.M. BADAR)
JUDGE

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