

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

24 CRIMINAL APPLICATION NO. 5027 OF 2016

**KANHAYALAL S/O SHRAVAN MALI
& ANR.**

VERSUS

THE STATE OF MAHARASHTRA

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Mr. V.B.Patil, Advocate for Applicants.

Mr. S.D.Ghayal, A.P.P. for Resp. – State.

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CORAM : A.M.BADAR, J.

DATE : 14th SEPTEMBER, 2016

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PER COURT :

1. The applicants/accused in Crime No. 128/2016 registered at Sakri police station, Dist. Dhule for the offences punishable u/ss 295,506 read with 34 of the Indian Penal Code and u/s 4 (1) (s) (t) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Amendment Act, 2015, by this application are seeking their release on bail u/s 439 of the Code of Criminal Procedure.

2. Heard learned counsel for the applicants as well as learned A.P.P. Learned A.P.P. submits that complicity of present applicants in the crime in question is established from

the F.I.R. lodged by the informant.

3. Perused F.I.R. as well as the record made available.

4. The informant reported on 24/08/2016 that the applicants have uprooted the board erected by him at the public place. It is further averred that the applicants have given caste abuses to the informant.

5. The necessary investigation *qua* present applicants appears to be already over. Considering the nature of crime, further pre-trial detention of the applicants is not warranted. Hence, the following order.

(i) The application is allowed.

(ii) Applicant No. 1 Kanhayalal s/o Shravan Mali and applicant No. 2 Lalit s/o Madhukar Shimpi in Crime No. 128/2016 registered at Sakri police station, Dist. Dhule for the offences punishable u/ss 295,506 read with 34 of the Indian Penal Code and u/s 4 (1) (s) (t) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Amendment Act, 2015 be released on bail on executing P.R. Bond of Rs. 15,000/- [Rupees Fifteen Thousand] each and on furnishing surety in the like amount.

(iii) As a condition of this Order, the applicants shall not extend any threat, inducement or promise to the persons

acquainted with the facts of the accusation so as to dissuade them from disclosing the same either to the police or the Court.

(iv) The applicants shall not tamper the evidence of the prosecution.

[A.M.BADAR, J.]

KNP/Cr.Apln. 5027.2016