

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

CRIMINAL APPLICATION NO. 5276 OF 2016

1. Ghansham s/o. Jatru Padvī .. Applicants
Age. 49 years, Occ. Agriculture,
 2. Prabhatsingh s/o. Ghansham Padvī
Age. 27 years, Occ. Agriculture,
 3. Manoj s/o. Ghansham Padvī
Age. 23 years, Occ. Agriculture,
 4. Jagendra s/o. Hurji Gavit
Age. 47 years, Occ. Agriculture,
 5. Rajanikant (Rajnish) s/o. Amarsingh
Padvi, Age. 26 years, Occ. Agriculture,
- All R/o. Janiamba, Tq. Akkalkuwa,
Dist. Nandurbar.

Versus

The State of Maharashtra .. Respondent

Mr.Dhananjay Shinde h/f. R.S. Pawar, Advocate for the
applicants.

Mr.S.P. Sonpawale, A.P.P. for respondent/State.

**CORAM : A.M. BADAR, J.
DATED : 07.10.2016**

P.C. :-

1. Leave to correct name of applicant No.4.
2. Applicants, who are five in number, are accused in Crime No.84 of 2016, registered with Taloda Police Station, Dist. Nandurbar, for the offences punishable under sections 326, 337, 143, 147, 148, 324, 323, 504, 506 of the Indian Penal Code and under section 37(1)(3) read with section 135 of the Maharashtra Police Act. By this application, they are seeking pre-arrest bail.
3. Heard learned Counsel for the applicant. He argued that no specific role is assigned to the applicants in the crime in question and therefore considering the nature of offence, applicants are entitled for pre-arrest bail.
4. Learned A.P.P. opposed the application by submitting that accused persons formed unlawful assembly and caused grievous injury to Tedgya Padvi. Others are also injured in this incident.
5. Perused papers of investigation. Injured Tedgya Padvi has suffered loss of three teeth in the incident in question, apart from two contused lacerated wounds and one contusion. Injured Sanjay Padvi suffered two contused lacerated wounds and three blunt traumas; whereas Ramesh

suffered one contusion and one abrasion. Loss of teeth is the grievous injury.

6. The F.I.R. in question is registered at the instance of injured Ramesh Padvi. According to prosecution case, applicant No.2- Prabhatsingh Ghanshyam Padvi lost election of Dy Sarpanch of Grampanchayat. Therefore, he as well as supporters were sad. According to the informant, when he and his associates were returning from the place of polling, applicant No.2- Parbatsingh called his supporters by making telephonic call. Then 35 to 40 persons came armed with sticks by tractor and four-wheelers. The informant stated that applicant No.1 - Ghansham Padvi gave blow of Koyta on the head of Tedgya Padvi. Applicant No.1 - Ghansham also assaulted informant Ramesh by Koyta as well stick. Informant further stated that his brother Sanjay was assaulted by applicant No.2- Prabhatsingh Padvi by means of stick. The informant is not categorically ascribing any role to other accused persons.

7. Injured Tedgya has named applicant No.1-Ghansham as author of injuries on his person. Another injured Sanjay is attributing injuries suffered by him to applicant No.2-Prabhatsingh .

8. It is seen that active part in the assault is attributed only to applicant Nos.1 & 2. Other accused persons were stated to be accompanying them. The incident in question happened after elections of office bearers of Grampanchayat. The papers of investigation show that supporters of aspiring candidates were present at the time of incident and the incident took place while returning from that place. Therefore, when the injured are specifically naming authors of injuries on their person, at this stage, prima facie, it cannot be said that remaining accused were sharing common object to commit riot or to cause grievous hurt to the informant and prosecution witnesses. In this view of the matter, applicant Nos.3 to 5 namely, Manoj, Jagendra and Rajnikant (Rajnish) are entitled for pre-arrest bail.

9. At this stage, learned Counsel for applicants submits that he is withdrawing application of applicant No.1 Ghansham s/o. Jatru Padvi and applicant No.2 — Prabhatsingh s/o. Ghansham Padvi. Therefore, following order :-

O R D E R

- i. The application is partly allowed.

ii. In the event of their arrest in Crime No.84 of 2016, registered with Taloda Police Station, Dist. Nandurbar, for the offences punishable under sections 326, 337, 143, 147, 148, 324, 323, 504, 506 of the Indian Penal Code and under section 37(1)(3) read with section 135 of the Maharashtra Police Act, applicant No.3 Manoj s/o. Ghansham Padvi, applicant No.4 Jagendra s/o. Hurji Gavit and applicant No.5 Rajanikant (Rajnish) s/o. Amarsingh Padvi, be released on bail on executing P.R. Bond of Rs.15,000/- (Rupees Fifteen Thousand) and on furnishing surety in like amount, by each of them.

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 to the Court.

iv. Applicants shall not tamper the evidence of the prosecution.

v. Applicants shall attend concerned police station on 17th October, 2016 in between 11.00 a.m. to 01.00 p.m. They should co-operate the investigator.

vi. Application of applicant No.1-Ghansham s/o. Jatru Padvi and applicant No. 2-Prabhatsingh s/o. Ghansham Padvi is disposed of as withdrawn.

[A.M. BADAR, J.]