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

CRIMINAL APPLICATION NO. 5342 OF 2016

Sahebrao Yadavrao Pacharne,
Age : 60 years, Occu. Business,
R/o Chinchondi Patil, Taluka Nagar,
District Ahmednagar

..APPLICANT

VERSUS

1. The State of Maharashtra
Through Police Station Officer,
Nagar Taluka Police Station,
Taluka Nagar, District Ahmednagar

2. The Superintendent of Police,
Ahmednagar

..RESPONDENTS

Mr Satyajit S. Bora, Advocate for applicant;
Mr R.V. Dasalkar, Addl. Public Prosecutor for respondents

CORAM : A.S. CHANDURKAR, J.

DATE : 15th December, 2016

ORAL ORDER

Heard.

2. The applicant apprehends his arrest in C.R. No.182 of 2016, registered at Nagar Taluka Police Station, District Ahmednagar, for offences punishable under Sections 457 and 380 of the Indian Penal Code.

3. As per the first information report dated 28th June, 2016, offence against unknown persons came to be registered with regard to theft of cash and ornaments valued at Rs.4,30,000/-. After the arrest of one of the

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accused persons, his statement was recorded in which it was stated that gold chain and ring was handed over to the present applicant. On that basis, applicant has filed the present application.

4. It is submitted by the learned Counsel for the applicant that the only basis for proceeding against the applicant is the statement of an accused – Bhausahab Wagh. It is submitted that the applicant was the Police Patil for almost 25 years and is running his own hotel. His work as Police Patil has been appreciated by various authorities and only on account of some political rivalry his name has been taken. It is, therefore, submitted that the applicant is entitled for protection.

5. The application is opposed by the learned Addl. Public Prosecutor by relying upon the police papers. He has referred to statement of accused Bhausahab Wagh in that regard. It is, therefore, submitted that on this basis the applicant is not entitled for protection.

6. Perused the first information report as well as the police papers. The implication of the applicant is on the basis of statement of said Bhausahab Wagh. It is seen that the applicant was Police Patil for almost 25 years and is presently running a hotel in the same village. He has been issued appreciation certificate by the Superintendent of Police, Beed in the year 2002. His son is serving as a Teacher in a private school. The documents indicate that the applicant is a man of standing in the said village. Likelihood of his name being taken out of political rivalry cannot be

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excluded. Considering the material on record, I find that the applicant has made out a case for protection, especially when his name has been taken as accused merely on the basis of statement of the co-accused.

7. In view of aforesaid, in the event of applicant's arrest, in connection with C.R. No.182 of 2016, registered at Nagar Taluka Police Station, District Ahmednagar, for offences punishable under Sections 457 and 380 of the Indian Penal Code, he shall be released on furnishing P.R. Bond of Rs.15,000/- with one surety in the like amount.

- (i) The applicant shall attend the concerned police station as and when directed and co-operate the investigation.
- (ii) No steps be taken to influence the prosecution witnesses.

8. Observations made in this order are only for considering the present application. Same is allowed and disposed of.

(A.S. CHANDURKAR, J.)

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