

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

4 CRIMINAL APPLICATION NO. 5366 OF 2016

**TANAJI CHINDHA THOMBRE
& ORS.**

VERSUS

THE STATE OF MAHARASHTRA

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Mr. S.H.Jagiasi, Advocate for Applicants.

Mr. S.B.Yawalkar, A.P.P. for Resp. – State.

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CORAM : A.M.BADAR, J.

DATE : 21st, OCTOBER 2016

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PER COURT :

1. The applicants/accused in Crime No. 133/2016 registered at Sakri police station, Dist. Dhule for the offences punishable u/ss 143,147,148,149,353,333,323 and 324 of the Indian Penal Code, by this application are praying for releasing them on bail.

2. Heard the learned counsel for the applicants as well as the learned A.P.P. Learned A.P.P. opposed the

application by contending that the applicants indulged in rioting by forming an unlawful assembly with common object and in that they assaulted Police Sub Inspector of Police Station Sakri.

3. Perused papers of investigation. According to the prosecution case, applicant Nos. 1 to 5 were accused in Crime No. 130/2016 for the offences punishable u/ss 498-A, 323, 504, 506 read with 34 of the Indian Penal Code. On 02/09/2016, they were produced before the learned Magistrate, who ordered their release on bail. On apprehension of applicant Nos. 1 to 5 that they may be assaulted by the prosecuting party in Crime No. 130/2016, learned Judicial Magistrate First Class directed police to provide protection to applicant Nos. 1 to 5. In police protection, it appears that, they were taken to Police Station Sakri, as a mob of people was gathered there. It is seen that at Police Station also, supporters of applicant Nos. 1 to 5, who were accused in that crime as well as the supporters of the prosecuting party in that crime gathered. There was gathering of about 130-135 persons in the premises of Police Station Sakri, as seen from F.I.R. At that place, free fight between 2

groups started and in that episode, one of the persons pelted stone causing Contused Lacerated Wound on the fore-head of Premnath Shankar Dhole, Police Sub Inspector – the informant.

4. Major part of the investigation is already over. The applicants before the Court are reported to be belonging to 2 rival groups and it is argued that now the matter is amicably settled with the intervention of respectable persons from the community and, therefore, members of both parties have jointly applied for bail.

5. Be that as it may, as necessary part of investigation of the crime in question is already over, I see no reason to deny bail to the applicants. Hence, the following order.

(i) The application is allowed.

(ii) Applicant Nos. 1 to 17 in Crime No. 133/2016 registered at Sakri police station, Dist. Dhule for the offences punishable u/ss 143,147,148,149,353,333,323 and

324 of the Indian Penal Code 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.

(v) The applicants should not repeat commission of offence of similar nature in future.

[A.M.BADAR, J.]