

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

Criminal Application No. 5575 of 2016

District : Ahmednagar

1. Yogesh Manohar Suryawanshi,
Age : 26 years,
Occupation : Labour.
2. Sagar Manohar Suryawanshi,
Age : 24 years,
Occupation : Labour.
3. Vasudev Laxman Somase,
Age : 19 years,
Occupation : Labour.
4. Umesh Manohar Suryawanshi,
Age : 35 years,
Occupation : Labour.
5. Vinod Manohar Suryawanshi,
Age : 24 years,
Occupation : Labour.

All R/o. Akole Naka,
Akole Road, Sangamner,
Taluka : Sangamner,
District : Ahmednagar.

6. Suraj Kiran Bage,
Age : 24 years,
Occupation : Labour,
R/o. Ghulewadi,
Taluka : Sangamner,
District : Ahmednagar.

.. Applicants.

versus

The State of Maharashtra,
Through Police Inspector,
Sangamner City Police Station,
Taluka : Sangamner,

District : Ahmednagar.

.. Respondent.

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Mr. A.N. Nagargoje, Advocate, for applicants.

*Mr. S.P. Sonpawale, Addl. Public Prosecutor, for
the respondent.*

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CORAM : A.M. BADAR, J.

DATE : 15TH OCTOBER 2016

ORAL ORDER:

Applicants / accused in Crime No. I-238/2016 registered with Sangamner City Police Station, Taluka Sangamner, District Ahmednagar, for offences punishable under Sections 307, 324, 143, 147, 148, 149 of the Indian Penal Code and under Section 4/25 of the Arms Act as well as under Sections 37 and 135 of the Maharashtra Police Act, by this application, are seeking their release on bail.

2. Heard the learned Counsel appearing for applicants / accused. By drawing my attention to the cross FIR lodged on 04.09.2016 by applicant no.5 Vinod s/o. Manohar Suryawanshi, the learned Counsel argued that it was because of dash given by informant Shaukat Ali, applicant no.5 Vinod Suryawanshi suffered a fall from the motorcycle and thereafter he was assaulted by members of the prosecuting party. The learned Counsel argued that the FIR lodged by

Shaukat Ali Jahagirdar needs to be appreciated in this context. The learned Counsel argued that the injuries are not corresponding to the weapon allegedly used and both injured are already discharged from the hospital.

3. The learned Addl. Public Prosecutor opposed the application by contending that injured Asrarkhan Pathan suffered grievous injuries and injured Shaukat Ali Jahagirdar had also suffered injuries in the incident in question. There are eye witnesses to the crime in question apart from the fact that applicant no.1 Yogesh Suryawanshi and applicant no.6 Suraj Bage are having criminal antecedents.

4. I have carefully considered the rival submissions and also perused papers of investigation. Injured Asrarkhan Pathan had suffered contusion, contused lacerated wound as well as broken tooth because of the assault. All three injuries are reported to be grievous by the attending Medical Officer. Informant Shaukat Ali Jahagirdar had suffered trauma over left maxillary region with blunt trauma over right thigh. He is discharged from the hospital on 07.09.2016.

5. The incident in question allegedly took place because applicant no.5 Vinod Suryawanshi was prevented to purchase liquor with an allegation that

he indulges in illicit sale of liquor unauthorizedly. The informant claims to be President of the Liquor Association of the town. The association decided not to sell liquor to applicants Yogesh Suryawanshi, Sagar Suryawanshi and Vinod Suryawanshi as they are doing business of illicit sale of liquor. Because of this reason, according to the prosecution case, accused persons formed an unlawful assembly and indulged in riot. It is averred that applicant no.2 Sagar Suryawanshi assaulted the informant Shaukat Ali Jahagirdar by means of sword and applicant no.1 Yogesh Suryawanshi hit him by means of baseball bat. Similarly it is alleged that Asrarkhan Pathan was assaulted by accused persons while they were fleeing from the spot.

6. Prima facie necessary investigation of the crime in question is over. Applicant no.1 Yogesh Suryawanshi and applicant no.6 Suraj Bage are stated to be having criminal antecedents. Necessary recoveries are also effected. In such situation, by imposing certain conditions, they can be enlarged on bail as substantial part of the investigation is already over.

7. Considering the role of applicant no.1 Yogesh Suryawanshi and applicant no.5 Vinod Suryawanshi in assaulting Asrarkhan Pathan, who was not concerned with the dispute, I am of the opinion

that these two applicants should be restrained from entering the territorial limits of Sangamner town for a period of one year.

8. Hence, I pass the following order :-

(a) The Application is allowed.

(b) Applicants / accused, in the above crime, be released on bail on their executing P.R. Bond in the sum of Rs. 25,000/- each and on furnishing one or more solvent sureties of the like amount by each of them.

(c) As a condition of this order, applicant no.1 Yogesh s/o. Manohar Suryawanshi and applicant no.5 Vinod s/o. Manohar Suryawanshi shall not enter into territorial limits of Sangamner town for a period of one year from the date of passing of this order.

(d) As conditions of this order, all applicants shall abide by the following directives :-

(i) Applicants 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.

(ii) Applicants 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, if any, against them.

(iii) Applicants shall not repeat commission of similar type of offences in future.

(e) The Application stands disposed of in the above terms.

(A.M. BADAR)
JUDGE

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