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

Criminal Application No. 5688 of 2016

District : Aurangabad

1. Amol Appasaheb Bahule,
   Age : 23 years,
   Occupation : Education,
   R/o. Bakwalnagar,
   Post : Waluj,
   Taluka : Gangapur,
   District : Aurangabad.

2. Nawnath Maroti Argade,
   Age : 20 years,
   Occupation : Agriculture,
   R/o. Bakwalnagar,
   Post : Waluj,
   Taluka : Gangapur,
   District : Aurangabad.

3. Kishor Dadasaheb Walture,
   Age : 24 years,
   Occupation : Business (Hotel),
   R/o. Bakwalnagar, Naigaon,
   Post : Waluj,
   Taluka : Gangapur,
   District : Aurangabad. .. Applicants.

versus

The State of Maharashtra,
Through police Station, Waluj,
Taluka : Gangapur,
District : Aurangabad. .. Respondent.

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Mr. Kiran D. Jadhav, Advocate, for applicants.

Mr. S.B. Yawalkar, Addl. Public Prosecutor, for the respondent.

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CORAM : A.M. BADAR, J.

DATE : 26TH OCTOBER 2016

ORAL ORDER:

Applicants / accused in Crime No. 147/2016 registered with Waluj Police Station, Taluka Gangapur, District Aurangabad, for offences punishable under Sections 143, 147, 148, 149 and 307 of the Indian Penal Code, by this application, are seeking their release on bail.

2. Heard the learned Counsel appearing for applicants / accused as well as the learned Addl. Public Prosecutor appearing for the respondent / State.

3. The learned Addl. Public Prosecutor pointed out injury certificate of informant Sayyad Juned Sayyad Inayat, so also statements of eye witnesses to submit that applicants are not entitled for bail considering the nature of offence.

4. Perused papers of investigation. Undisputedly, the informant has heavy criminal antecedents. Several offences involving offences against human body and property are pending against him. It is seen that the present informant is also

an accused in Crime No. 141/2012 for offence punishable under Section 302 of the IPC.

5. Perusal of papers of investigation shows that according to the prosecution case, associate of the informant called him telephonically on the spot and when he reached on the spot, present applicants and other accused persons assaulted him by means of iron rods as well as wooden logs.

6. It is seen that several residents of Bakwalnagar where the incident took place had also jointly represented to the Commissioner of Police, Aurangabad, stating that the informant along with his associates is indulging in business of prostitution. They reported that on 12.06.2016 itself i.e. on the day of the incident, some associates of the informant brought some young women for indulging in prostitution. Noticing this fact, about 300 - 400 villagers gathered and protested. Upon that, those persons telephonically contacted informant Sayyad Juned Sayyad Inayat and called him on the spot. The representation further shows that then the informant came on the spot with his associates and started pelting stones at villagers. At that time, the informant is stated to be armed with a knife.

7. Considering the fact that the informant is having heavy criminal antecedents and the fact that

in respect of the same incident, villagers have filed representation to Police stating that the informant and his associates are indulging in business of prostitution and at the time of the incident, the informant and his associates started assaulting villagers, prima facie it appears that the informant might have suffered injuries in that melee involving several villagers on one side and the informant and his associates on the other side.

8. Be that as it may, substantial part of investigation is already over. Therefore, further pre-trial detention of applicants, who are not having any criminal antecedents, is not warranted.

9. 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. 15,000/- each and on executing one or more sureties of the like amount by each of them.

(c) As conditions of this order, applicants / accused 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.

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

(A.M. BADAR)
JUDGE

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