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

**CRIMINAL APPLICATION NO.6081 OF 2016**

1. Sagar Ramrao Sonwane (Patil),  
Age: 25 years, Occ: Agril.,

2. Jitendra Sunil Patil,  
Age: 27 years, Occ: Agril.,

Both R/o. Patilwada, Shirpur,  
Tq. Shirpur, Dist. Dhule. ..APPLICANTS

VERSUS

The State of Maharashtra,  
Through Shirpur City Police  
Station, Tq. Shirpur, Dist. Dhule. ..RESPONDENT

Mr A.S. Sawant, Advocate for applicant;  
Mr S.M. Ganachari, Addl. Public Prosecutor for  
respondent

**CORAM : A.S. CHANDURKAR, J.**

**DATE : 30th NOVEMBER, 2016**

**ORAL ORDER :**

Heard.

2. At the outset, the learned Counsel for the  
applicants, on instructions, states that the  
applicant No.1 Sagar Ramrao Sonwane (Patil) does

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not desire to prosecute the present application. He submits that the applicant No.1 would apply afresh after filing of the charge sheet. His statement is accepted. The application insofar as the applicant No.1 stands disposed of.

3. As per first information report dated 7<sup>th</sup> October, 2016 lodged one Rais Khatik, at about 7-30 to 8-00 p.m. about 12 persons including the present applicant No. 2 Jitendra Sunil Patil had stopped his vehicle which was carrying bullocks. The informant was pulled out of the vehicle and assaulted by fists and kicks. The persons named at Serial Nos. 1 and 4 removed amount of Rs.13,000/- and also threatened him. Pursuant to the registration of aforesaid offence, the applicant No. 2 came to be arrested on 8<sup>th</sup> October, 2016.

4. It is submitted by the learned Counsel for the applicant No. 2 that pursuant to his arrest, the necessary investigation has been completed. No seizure has been effected from the present

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applicant and he has no criminal antecedents. It is submitted that in the present case F.I.R. No. 257 of 2016 arising out of the same incident has been lodged by the group of which the present applicant is a member. It is submitted that considering clash between two groups and as the present applicant has been under arrest since 8<sup>th</sup> October, 2016, he deserves to be released on bail.

5. The application is opposed by the learned Additional Public Prosecutor by relying upon the police papers. He submits that the statements of witnesses indicate the presence of applicant and corroborate what has been stated in the report. Considerable damage has been caused to the vehicle and therefore, if the applicant No.2 is released on bail, there would be threat to the informant.

6. Perused the first information report as well as the police papers. Insofar as the present applicant is concerned, it is stated that he along with applicant No.1 had given threat to the

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informant and removed Rs.13,000/- from his pocket. Papers do not indicate the seizure of any material from the present applicant. The members of other group against whom the F.I.R. No. 257 of 2016 has been registered are already released on bail. Considering the fact that the incident has occurred out of clash between two groups and nothing substantial has been seized from the applicant No. 2, he is entitled to be enlarged on bail.

7. In the aforesaid, the applicant No. 2 Jitendra Sunil Patil is directed to be released on bail pursuant to his arrest in Crime No. 258 of 2016 registered with Shirpur Police Station, District Dhule for offences punishable under Sections 395, 143, 147, 148, 149, 427, 323, 504 and 506 of the Indian Penal Code and under Section 37(1)(3) read with Section 135 of the Maharashtra Police Act, 1951, on furnishing P.R. bond of Rs.15,000/-, with one surety in the like amount.

The applicant No.2 shall attend the

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concerned police station on 14<sup>th</sup> December, 2016 and thereafter as per the directions of the Investigating Officer.

No steps shall be taken to influence the prosecution witnesses.

The applicant No. 2 shall not repeat the aforesaid offence.

8. The observations made in the present order are only for the purpose of considering the present bail application.

9. Criminal Application is allowed in above terms and disposed of.

**(A.S. CHANDURKAR, J.)**

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