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

**CRIMINAL APPLICATION NO.6048 OF 2016**

Kiran s/o Rajendra Mohite,  
Age : 27 years, Occ. Rickshaw Driver,  
R/o Bhim Nagar, Sakri Road, Dhule,  
Tq. & Dist. Dhule

..APPLICANT

VERSUS

The State of Maharashtra

..RESPONDENT

Mr P.S. Paranjape, Advocate for applicant;  
Mr S.D. Ghayal, Addl. Public Prosecutor for respondent

**WITH  
CRIMINAL APPLICATION NO.6124 OF 2016**

Kiran Pradip Thorat  
Age 31 years, Occu. Rickshaw Driver,  
R/o Bhimnagar, Sakri Road, Dhule

..APPLICANT

VERSUS

The State of Maharashtra

..RESPONDENT

Mr P.S. Shinde, Advocate holding for Mr S.G. Shinde, Advocate for  
applicant;  
Mr S.D. Ghayal, Addl. Public Prosecutor for respondent

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

**DATE : 16th November, 2016**

**ORAL ORDER :**

Since the applicants in both these applications seek relief under section 438 of the Code of Criminal Procedure, with regard to C.R. No.179 of 2016, registered at Dhule City Police Station, for offences punishable under sections 395, 452, 427, 504, 506 of the Indian Penal Code, they are being decided by this common order.

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2. On 16<sup>th</sup> August, 2016 one Prashant Wagh – complainant was at his house when he claimed that he was threatened by one Manoj Parerao at 9.30 p.m. on the same day. It is the report of the said complainant that various persons including the present applicants had come to his place and after threatening him had removed certain amounts from his pockets and had also damaged his car. Report was accordingly lodged on 17<sup>th</sup> August, 2016.

3. On behalf of the applicants, it is submitted by their learned Counsel that with regard to applicant in Criminal Application No.6048 of 2016, the allegations made are with regard to causing damage to the car belonging to the complainant. It is submitted that at the most offence under section 427 of the Indian Penal Code would be attracted.

4. Insofar as applicant in Criminal Application No.6124 of 2016 is concerned, it is submitted that name of said applicant figures in the first information report as merely accompanying the other accused. No specific role has been attributed to the said applicant.

5. The applications are opposed by learned Addl. Public Prosecutor on the ground that the applicant in Criminal Application No.6048 of 2016 is alleged to have caused damage to the car of the complainant. Referring to the police papers, it is submitted that damage has been caused to the complainant's car. He has also referred to the report dated 17<sup>th</sup> August,

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2016 to indicate involvement of the applicants.

6. Perused the police papers along with the first information report. Same indicates involvement of about nine accused in the offence in question. Insofar as applicant in Criminal Application No.6048 of 2016 is concerned, the allegation is with regard to causing damage to the car of the complainant. There is mere reference with regard to the applicant in Criminal Application No.6124 of 2016 to indicate his presence.

7. Considering the nature of role attributed to present applicants and in absence of any injuries being caused to the complainant, I am inclined to allow both the applications, subject to certain conditions.

8. Accordingly, the following order is passed :-

In the event of arrest of either of the applicants in C.R. No.179 of 2016, registered at Dhule City Police Station, they shall be released on furnishing P.R. Bond of Rs.15,000/- each and one solvent surety of like amount.

The applicants shall not enter the area known as Khemaji Ajbe Nagar, Sakri Road, Dhule, till filing of charge-sheet.

The applicants shall attend the concerned police station as and when directed by the Investigating Officer. They shall keep the Investigating Officer informed about their whereabouts.

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It is clarified that observations in this order are only for the purposes of considering the present applications and the Trial Court shall not be influenced by the same.

Applications are allowed and disposed of.

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

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