

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

CRIMINAL APPLICATION NO.6202 OF 2015

1. Vitthal s/o Bhausahab Takale,
Age 30years, Occu.Agriculture
R/o Akolkar Vasti, Dangewadi,
Taluka Pathardi,
District Ahmednagar
 2. Bhausahab s/o Kisan Takale,
Age 60 years, Occu. Agriculture,
R/o Akolkar Vasti, Dangewadi,
Taluka Pathardi,
District Ahmednagar
- ..Applicants

Versus

1. The State of Maharashtra,
 2. The Superintendent of Police,
Ahmednagar
 3. The Police Station In-charge,
Pathardi Police Station,
Taluka Pathardi,
District Ahmednagar
- ..Respondents

Mr N.K. Kakade, Advocate for applicants

Mr M.B. Bharaswadkar, A.P.P. for respondents No.1 to 3

Mr Nangre, Advocate h/f Mrs M.A. Kulkarni, Advocate for complainant –
assisting the A.P.P.

CORAM : N.W. SAMBRE, J.

DATE : 11th January 2016

PER COURT

Heard.

2. This Court, by detailed order dated 26th November 2015 has
already granted ad interim protection to the applicants.

3. With the assistance of learned A.P.P. and Counsel for the complainant Mr Nangre, I have perused the investigation papers and contents of F.I.R. It is to be noted herein that there exists civil dispute between the parties, as the complainant has initiated a civil suit for injunction in which, admittedly no injunction is operating. Apart from above, the fact remains that there was a complaint prior in point of time at the behest of applicants against the complainant.

4. In view of observations made in the order dated 26th November 2011 and in view of above referred background, Mr Kakade, learned Counsel for the applicants fairly submits that the applicants shall surrender the tractor, which is alleged to have been used in commission of crime in question, within three days from today.

5. In view of above background, the ad interim protection granted by this Court vide order dated 26th November 2011 is confirmed.

6. The applicants shall attend the Investigating Officer on 18th and 19th January 2016 between 10.00 a.m. and 12.00 noon and thereafter as and when called by the Investigating Officer. The applicants shall not tamper the evidence.

7. Criminal Application stands allowed in above terms.

(N.W. SAMBRE, J.)

vvr