

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

CRIMINAL APPLICATION NO.6242 OF 2016

- 1) Gajanan Ajinath Kangude
- 2) Shrikant Vitthal Kangude
- 3) Prasad Dilip Kangude
- 4) Amol Shivaji Kangude
- 5) Sudhir Tatyaram Kangude
- 6) Mahadeo Vishwanath Kangude
- 7) Ganesh Kera Kangude
- 8) Kaka Dattu Kangude
- 9) Kishor Ajinath Kangude
- 10) Vishal Narayan Kangude
- 11) Vaibhav Guruling Kangude
- 12) Mauli Babu Kangude
- 13) Vikas Dashrath Kangude
- 14) Deepak Shivaji Kale ... APPLICANTS

VERSUS

The State of Maharashtra ... RESPONDENT

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Shri N.V. Gaware, Advocate for applicants
Shri S.M. Ganachari, A.P.P. for respondent
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CORAM: A.S. CHANDURKAR, J.

DATED: 8th December, 2016.

ORAL ORDER :

1. The applicants apprehend their arrest in Crime No.I-

269/2016, registered at Karjat Police Station, District Ahmednagar for the offences punishable under Sections 295(A), 452, 143, 147, 427, 323, 504, 506 of the Indian Penal Code and under Section 37(1)(3)/ 135 of Bombay Police Act and also under Section 3(1)(x) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

2. As per the First Information Report dated 13.10.2016, the informant has stated that about 20 persons including present applicants along with 100 to 150 unknown persons had come to the locality and had damaged certain vehicles. It was stated that, abuses in the name of caste were also given. This report resulted in lodging of Crime No.I-269/2016.

3. It is submitted by learned counsel for the applicants that, the incident in question has arisen on account of alleged dispute between two groups in the village. The initial report was given by one Rajendra who was from the group of the applicants against the informant in Crime No.268/2016. Thereafter, on the same day, another Crime bearing No.269/2016 came to be registered against the group of the applicants. He submitted that, allegations of general nature have been made and the accused in Crime No.268/2016 have already been granted

protection. In absence of any specific allegations against any of the applicants, they are entitled for protection.

4. The application is opposed by learned Additional Public Prosecutor by relying upon the police papers. He submitted that, statements of witnesses indicate presence of the applicants and the act of damaging vehicle and giving abuses. He, therefore, submitted that, considering the nature of allegations, the application deserves to be rejected.

5. Perused the police papers. In the First Information Report, it has been stated that, about 20 persons including the applicants along with about 100 to 150 persons had damaged the vehicles kept in the locality and had also abused the informant in the name of his caste. None of the witnesses have specifically stated that it were the present applicants who had given abuses by name of caste. Perusal of earlier order passed by this Court with regard to Crime No.268/2016 indicates that it was noticed that there was clash between two groups and cross reports came to be filed. Considering the absence of any specific overt act or that of abuses being attributed to any of the applicants, they are entitled for protection.

6. In the event of applicants' arrest with regard to C.R.

No.I-269/2016, registered at Karjat Police Station, District Ahmednagar for the offences punishable under Sections 295(A), 452, 143, 147, 427, 323, 504, 506 of the Indian Penal Code and under Section 37(1)(3)/ 135 of Bombay Police Act and also under Section 3(1)(x) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, they shall be released on bail on furnishing P.R. bond of Rs.15,000/- (Rupees fifteen thousand) each with one surety in the like amount.

7. The applicants shall not take any steps to coerce the witnesses or tamper with the material collected by the prosecution.

8. The applicants shall attend the concerned police station as and when directed by the investigating officer.

9. It is made clear that, the observations made hereinabove are only for the purpose of deciding the present application. The criminal application is allowed and disposed of.

(A.S. CHANDURKAR, J.)