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

CRIMINAL APPLICATION NO. 6350 OF 2016

1. Bhimsing Sampatsing Girase,
Age: 46 years, Occu: Agriculture
2. Nimba s/o Natthesing Girase,
Age: 48 years, Occu: Agriculture
3. Devesing s/o Jamansing Girase,
Age: 38 years, Occu: Agriculture
4. Narayan s/o Lalsing Girase,
Age: 53 years, Occu: Agriculture
5. Devendra s/o Narayan Girase
Age: 48 years, Occu: Agriculture
6. Narayan s/o Bhavanising Girase,
Age: 45 years, Occu: Agriculture
7. Ravindra s/o Indrasing Girase,
Age: 30 years, Occu: Agriculture
8. Kiran s/o Narayansing Girase,
Age: 27 years, Occu: Agriculture
9. Jaypalsing s/o Darbarsing Girase,
Age: 26 years, Occu: Education
10. Jitendra s/o Udesing Girase,
Age: 25 years, Occu: Education
11. Narayan s/o Thansing Girase,
Age: 50 years, Occu: Agriculture
12. Khumansing s/o Himmatsing Girase,
Age: 25 years, Occu: Agriculture
13. Pravin s/o Chotusing Girase,
Age: 24 years, Occu: Education
14. Samadhan s/o Vijaysing Girase,
Age: 26 years, Occu: Agriculture
15. Ramsing s/o Himmatsing Girase,
Age: 27 years, Occu: Agriculture

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16. Darbar s/o Thansing Girase,
Age: 45 years, Occu: Agriculture
17. Gopal s/o Zulalsing Girase,
Age: 29 years, Occu: Agriculture
18. Sonu s/o Udesing Girase,
Age: 23 years, Occu: Agriculture
19. Pavbha s/o Chandrasing Rajput,
Age: 24 years, Occu: Agriculture

All R/o: Vavad, Tq. and Dist. Nandurbar ..APPLICANTS

VERSUS

1. The State of Maharashtra,
Through Police Inspector,
Nandurbar Taluka Police Station, Nandurbar,
District Nandurbar
2. The Superintendent of Police,
Nandurbar, District Nandurbar

..RESPONDENTS

Mr Yogesh B. Bolkar, Advocate for applicants;
Mr S. N. Morampalle, Addl. Public Prosecutor for respondents

CORAM : A.S. CHANDURKAR, J.

DATE : 16th December, 2016

ORAL ORDER :

Heard.

2. Applicants apprehend their arrest in connection with C.R. No.110 of 2016, registered at Nandurbar Taluka police station, Nandurbar, for offences punishable under Sections 395, 452, 143, 147, 148, 337, 324, 427, 504 and 506 of the Indian Penal Code.

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3. As per the first information report, the informant has stated that on 31st October, 2016 programme of wrestling was going on in the village. There was some dispute between two groups which led to a clash between them. It is stated that about 10 to 15 persons had assaulted one Pankaj on his head and had also removed gold chain and cash. On that basis aforesaid report came to be lodged.

4. It is submitted by the learned Counsel for the applicants that the present report is a fall out of clash between two groups and applicants have been unnecessarily implicated. It is submitted that the injuries suffered are simple in nature and hence, the applicants are entitled for protection. According to the learned Counsel for the applicants, allegations with regard to theft have been levelled only to make the offence non-bailable.

5. The application is opposed by the learned Addl. Public Prosecutor by relying upon the police papers. He has referred to the statements of witnesses and submitted that there is sufficient material against the applicants, hence application deserves to be rejected.

6. I have perused the police papers. Statements of witnesses indicate blow on head being given by applicant no.8 Kiran with an iron pipe. Applicant no.5 is alleged to have snatched the gold chain, while applicant no.1 Bhimsing is stated to have snatched a bracelet and amount of Rs.50,000/- which were later on taken away by applicant no.4. Insofar as

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other applicants are concerned, I do not find much reference of any overt act by them in the statements of witnesses. Hence, I am inclined to confirm the interim order that has been granted with regard to applicants, other than applicants no.1, 4, 5 and 8.

7. In view of aforesaid, the order dated 25th November, 2016 stands confirmed on the same terms and conditions.

Applicants other than applicants no.1, 4,5 and 8 shall attend the concerned police station on 26th December, 2016 and thereafter as per directions of the Investigating Officer.

No steps be taken to influence the prosecution witnesses.

8. Observations made in this order are only for deciding the present application. Same is allowed and disposed of.

(A.S. CHANDURKAR, J.)

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