

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

CRIMINAL APPLICATION NO.6623 OF 2015

1. Raghunath Mahadu Kotkar,  
Age 35 years, Occu. Agri.,
2. Navnath Fakira Kotkar,  
Age 36 years, Occu. Agri.,
3. Bhausahab Sadashiv Kotkar,  
Age 32 years, Occu. Agri.,
4. Radhu Kisan Kotkar,  
Age 40 years, Occu. Agri.,
5. Shivnath Nivrutti Kotkar,  
Age 38 years, Occu. Agri.,
6. Bhaupatil Sitaram Kotkar,  
Age 36 years, Occu. Agri.,
7. Namdev Mahadu Kotkar,  
Age 41 years, Occu. Agri.,
8. Dnyandev Mahadu Kotkar,  
Age 40 years, Occu. Agri.,
9. Sayaji Namdev Gadakh,  
Age 45 years, Occu. Agri.,
10. Raju KeruGadakh,  
Age 35 years, Occu. Agri.,
11. Ramesh Muralidhar Chakor,  
Age 37 years, Occu. Agri.,
12. Murlidhar Gangadhar Chakor,  
Age 45 years, Occu. Agri.,
13. Annasaheb Raghunath Chakor,  
Age 40 years, Occu. Agri.,
14. Kacharu Nivrutti Chakor,  
Age 38 years, Occu. Agri.,
15. Haribhau Tukaram Chakor,  
Age 45 years, Occu. Agri.,
16. Rangnath Ramnath Andhale,  
Age 35 years, Occu. Agri.,

17. Jagan Damu Sanap,  
Age 42 years, Occu.Agri.,

All R/o Pimpale,  
Taluka Sangamner,  
District Ahmednagar

..Applicants

Versus

The State of Maharashtra  
through Sangamner Taluka  
Police Station, District  
Ahmednagar

..Respondent

Mr S.S. Jadhavar, Advocate for applicants  
Mr U.S. Mote, A.P.P. for respondent

**CORAM : N.W. SAMBRE, J.**

**DATE : 15th January 2016**

**PER COURT**

1. Leave to correct the names of respondents No.4 and 13.
2. Heard.
3. The applicants are seeking pre-arrest bail in Crime No.60/2015, registered at Sangamner Taluka Police Station, for the offences punishable under Sections 427, 435, 436, 506, 120-B read with sec. 34 of Indian Penal Code and under Section 3 (ii) (v), (vii), (x) and (xv) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act (hereinafter referred to as 'Atrocities Act' for brevity), pursuant to the order passed by the Judicial Magistrate First Class (Court No.4), Aurangabad on 6.4.2015, in exercise of powers under Section 156 (3) of the Cr.P.C.

4. Learned Counsel for the applicants has made three fold submissions; (a) at the behest of complainant, earlier also upon order passed by the learned Magistrate under Section 156 (3) of Cr.P.C., the applicant was booked under the provisions of Atrocities Act and other sections of Indian Penal Code. According to the applicants, this Court in Criminal Application No.5280 of 2014 has already released the present applicants in the said crime; (b) Perusal of contents of F.I.R. depicts that there are omnibus allegations made against the applicants as the law is well settled that such allegations are not required to be considered for making out the case under the Atrocities Act, as the bar under Section 18 of the Atrocities Act will not operate and (c) there is no eye witness to the crime in question and it is only to scuttle the liberty of applicants, the present complaint is lodged against them.

5. While opposing the application, learned A.P.P. submits that applicants are trying to pressurise the complainant to settle the earlier matter in which they were protected by this Court. He would then urge that the statement of complainant is quite clear as regards the attributions to each of the applicants. He would then urge that the custodial interrogation of the applicants is necessary.

6. Having considered the rival submissions of the parties, it is to be noted that on earlier occasion, this Court by order dated 13.10.2014 passed in Criminal Application No.5280 of 2014 has already ordered release of the present applications in crime registered against them bearing No.60 of 2015, punishable under Sections 427,

435, 436, 506 and 120-B of the Indian Penal Code and under Sections 3 (ii), 3 (v), 3 (vii), 3 (x) and 3 (xv) of the Atrocities Act. It is further to be noted that perusal of F.I.R. in the present case depicts omnibus allegations based on the caste of the complainant which of course are required to be ignored, particularly in view of law laid down by this Court, as such allegations cannot be accepted to be true, particularly in the above referred earlier incident.

7. Apart from above, the record depicts that there is delay in filing the complaint before the Magistrate, which speaks of after thought process of the complainant.

8. In view thereof, it will be appropriate in my opinion to release the applicants.

9. In the event of their arrest in Crime No.60/2015, registered at Sangamner Taluka Police Station, for the offences punishable under Sections 427, 435, 436, 506, 120-B read with sec. 34 of Indian Penal Code and under Section 3 (ii) (v), (vii), (x) and (xv) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, the applicants be released on bail, upon furnishing P.R. Bond of Rs.15,000/- with one surety in the like amount, by each of them.

10. Criminal Application stands allowed in above terms.

**( N.W. SAMBRE, J.)**

(vvr/