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

CRIMINAL APPLICATION NO.6840 OF 2015

Sukhadeo s/o Narayan Lad & ors. ..APPLICANTS

VERSUS

The State of Maharashtra ..RESPONDENT

Mr R.J. Nirmal, Advocate for applicants;
Mr A.S. Shinde, Addl. Public Prosecutor for respondent

CORAM : N.W. SAMBRE, J.

DATE : 7th January, 2016

ORDER :

By the present application, the applicants are seeking pre-arrest bail, in connection with C.R. No.126 of 2015, registered with Police Station, Mantha, for offences punishable under sections 353, 332, 504, 506 read with sec. 34 of the Indian Penal Code.

2. Learned Counsel appearing on behalf of the applicants would urge that the applicants are innocent, as the narration from the first information report depicts that the incident in question is alleged to have taken place on 2nd December, 2015, at 5.00 a.m. in the vicinity of river Purna, while withdrawing sand (minor mineral). According to him, the story narrated in the first information report is imaginary and it is difficult to scribe the panchnama as narrated in the first information report at 5.00 a.m., in the month of December, on account of darkness. He would urge that in view of village politics, the applicants are falsely implicated in the crime.

(2)

3. Learned Addl. Public Prosecutor has opposed the application on the ground that the investigation depicts that the applicants have assaulted the public officers/servants while they were discharging their duty. The applicants are engaged in illegal mining of sand and when public officers/servants restrained them from doing so, the applicants have assaulted and prevented them from discharging their duty as such public officers/servants.

4. On perusal of the first information report and investigation papers, it is noted that there is sufficient prima facie evidence available against the applicants to infer that they are involved in the commission of crime in question. The nature of the offence could be termed as an offence against the society, as the applicants have assaulted the public officers/servants.

5. In view of availability of prima facie material against the applicants, this is not a fit case to extend protection under section 438 of the Code of Criminal Procedure to them.

6. In view thereof, Criminal Application stands rejected.

(N.W. SAMBRE, J.)

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