

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE SIDE JURISDICTION
CRIMINAL BAIL APPLICATION NO. 1582 OF 2016

1. Fiyaz Razzak Attar
2. Kishor Kumar Godage (Patil)
3. Shrikrushna @ Dada Vijay Kolhe
4. Samadhan Narayan Kolhe
5. Samadhan Manohar Mandve
6. Sagar Madhukar Dhage

.....Applicants

V/s.

The State of Maharashtra

....Respondent

Mr. S. V. Marwadi Advocate for Applicants
Mr. Prashant Jadhav APP for the State.
Mr. Nilesh Bodaleh, A.P.I. Karmala Police Station.

CORAM : SMT. SADHANA S. JADHAV, J.

DATED : OCTOBER 18, 2016.

PC :

1) Heard. This is an application under section 439 of Code of Criminal Procedure, 1973. Applicants herein are arrested on 30/06/2016 in crime no. 316 of 2016 registered at Karmala Police Station for offence punishable under sections 370 (1), 353, 354, 332, 341, 225, 186, 143, 147, 149 of the Indian Penal Code and under section 3 (2) (A) (5) (C) of Protection of

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Children from Sexual Offences Act, 2012.

2) It is the case of the prosecution that on the basis of secret information, police had raided hotel Janjira and Permit room on 30/06/2016. While police were taking action, owner of the hotel namely Nagnath @ Nagabhau Khatke came to the hotel. It is alleged that present applicants were brought by Mr. Khatke to the hotel and they had obstructed the police authorities from discharging their official duties. It is also alleged that present applicant had attacked the police staff, they had pushed them and the S.D.P.O. Prashant Swamy was attempting to tell the applicants that they are police staff, however, applicants continue to obstruct the police officer. Nagnath Khatke had pelted stones at the police staff in which police staff Nitin Chavan got injured. Thereafter, Nagnath Khatke had taken away two girls who were found in the hotel.

3) Investigation is completed and charge-sheet is filed. The learned APP fairly submits that applicants do not have criminal antecedents. That they were instigated and exalted by Nagnath Khatke to obstruct the police.

4) Taking into consideration the nature of allegations, the fact that applicants are in custody for more than 3 months, applicants deserve to be

enlarged on bail, however, it is made clear that observations made herein above are restricted to application under section 439 of the Code of Criminal Procedure, 1973 and shall not be taken into consideration for the purpose of quashing of F.I.R., discharge application or at the time of trial.

ORDER

- (i) Application is allowed.
- (ii) Applicants be enlarged on bail on furnishing P.R. bond in the sum of Rs. 25,000/- each with one or more sureties in the like amount.
- (iii) Applicants shall report to concerned police station on every alternative Sunday between 10.00 a.m. to 12.00 noon till the framing of charge.
- (iv) Application stands disposed of.

(SMT. SADHANA S. JADHAV, J.)