

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

CRIMINAL APPLICATION (ABA) NO.143/2016

Karan s/o Kundlik Wankhede and others

..Versus..

State of Maharashtra, through Police Station Officer, Sirpur, Tq. Malegaon, Distt.
Washim

AND

CRIMINAL APPLICATION (ABA) NO.144/2016

Kundlik Ashruji Wankhede and another

..Versus..

State of Maharashtra, through Police Station Officer, Sirpur, Tq. Malegaon, Distt.
Washim

AND

CRIMINAL APPLICATION (ABA) NO.163/2016

Datta s/o Shriram Wankhede

..Versus..

The State of Maharashtra, through Police Station Officer, Sirpur, Tq. Malegaon,
Distt. Washim

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

CORAM : Z.A. HAQ, J.

DATE : 11.4.2016

CRIMINAL APPLICATION NO.462/2016 IN CRIMINAL
APPLICATION (ABA) NO.143/2016, CRIMINAL APPLICATION
NO.461/2016 CRIMINAL APPLICATION (ABA) NO.144/2016 &
CRIMINAL APPLICATION NO.463/2016 IN CRIMINAL
APPLICATION (ABA) NO.163/2016

Heard.

For the reasons stated in the application, the complainant is

permitted to assist the prosecution. The criminal applications are **allowed**.

CRIMINAL APPLICATION (ABA) NO.143/2016, CRIMINAL APPLICATION (ABA) NO.144/2016 & CRIMINAL APPLICATION (ABA) NO.163/2016

Shri Khapre, on instructions, seeks permission to withdraw the application of Jivan s/o Bhagwat Wankhede - applicant no.2 in Criminal Application (ABA) No.143/2016. The application of applicant no.2 - Jivan s/o Bhagwat Wankhede is **disposed of** as withdrawn.

Heard Shri R.L. Khapre and Shri F.T. Mirza, advocates for the applicants, Shri N.B. Jawade, A.P.P. for the State/non-applicant and Shri S.D. Chande, advocate for the complainant.

The applicants 1 and 3 in Criminal Application (ABA) No.143/2016, the applicants in Criminal Application (ABA) No.144/2016 and applicant in Criminal Application (ABA) No.163/2016 apprehend arrest in crime registered against them for the offence punishable under Section 135 of the Maharashtra Police Act, Section 8 of Protection of Children from Sexual Offences Act, 2012 and Sections 143, 147, 148, 149, 307, 324, 342 and 365 of the Indian Penal Code.

The accusations against the applicants are that the victim Shubham (aged about 17 years) was taken to the shop where business is conducted by applicant no.2 - Jivan s/o Bhagwat Wankhede, the shutter was lowered and all the applicants brutally assaulted victim Shubham. The prosecution relies on the medical report and on the fact that after the incident the police had come to the spot and had taken victim Shubham from the spot to the hospital. According to the prosecution, the accusations are substantiated by the averments in the F.I.R. and by the statement of victim Shubham.

According to the applicants, victim Shubham used to harass daughter of Kundlik - applicant no.1 in Criminal Application (ABA) No.144/2016) and apprehending legal action against victim Shubham, false F.I.R. has been lodged by the maternal uncle of Shubham.

Considering the nature of incident, the nature of accusations against the applicants, the social status of the applicants, the fact that the charge-sheet is filed and the fact that the non-applicant/State has not been able to show that the custody of applicants is required for further investigation, in my view, the interim order granted by this Court earlier in favour of the applicants

except Jivan s/o Bhagwat Wankhede, is required to be confirmed.

Hence, the following order:

- (i) In the event of arrest in Crime No.15/2016 registered by the non-applicant, the applicants - Karan s/o Kundlik Wankhede, Namdeo Ashruji Wankhede, Kundlik Ashruji Wankhede, Sharad s/o Bhagwant Wankhede and Datta s/o Shriram Wankhede be released on bail on furnishing P.R. bond for Rs.20,000/- (Rs. Twenty Thousand Only) each and one solvent surety in the like amount for each of the applicant.
- (ii) The applicants shall attend the police station Sirpur, Tq. Malegaon, Distt. Washim every Friday between 1 p.m. to 5 p.m.
- (ii) The applications are **disposed of** in the above terms.

JUDGE

Tambaskar.