

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

Criminal Application [ABA] No.426 of 2016

(Pandurang Maroti Topre and others

vs.

State of Maharashtra, through P.S.O. Mahagaon, District Yavatmal)

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Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

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Court's or Judge's Orders

Shri R.J. Shinde, Advocate for the Applicants.

Shri S.D. Sirpurkar, A.P.P. for the Non-Applicant/State.

CORAM : S.B. SHUKRE, J.
DATE : 19th OCTOBER, 2016.

Heard the learned Counsel for the applicants and
the learned A.P.P. for the State.

Perused the case-diary. It appears that in respect
of the same incident, two complaints have been filed. The
complaint filed against these applicants appears to be filed
after the complaint was filed by the group of these applicants
against the group of the complainant in this crime. The
allegations in both the complaints are almost similar. In the
counter case, the accused, who are complainants in this crime,
have been granted anticipatory bail. The position of the
applicants, therefore, would also be required to be considered
by applying the same principles, as were made applicable to
those accused in the counter case. By doing so, I find that the
case of the applicant Nos.1, 3 and 4 can be equated with that

of the accused in the counter case, who have been released on anticipatory bail by this Court on 3rd October, 2016 while disposing of the application being Criminal Application [ABA] No.579/2016. But, the case of applicant No.2, as can be seen from the case-diary, *prima facie* stands on a different footing. There is an allegation of snatching of gold chain, weighing 15 grams, by him from the neck of son of Jaywant Rathod. There are also eye-witnesses to this incident. The custodial interrogation of applicant No.2, therefore, would be required.

In these circumstances, the application of applicant Nos.1, 3 and 4 deserves to be granted and application of applicant No.2-Amol Topre deserves to be rejected. Hence, the order.

The application of applicant Nos.1, 3 and 4 is allowed and it is directed that the interim anticipatory bail granted to these applicants by this Court on 5th July, 2016 is hereby confirmed on the same conditions.

The application of applicant No.2-Amol Topre is rejected and the interim anticipatory bail granted to him on 5th July, 2016 is cancelled.

The application stands disposed of accordingly.

C E R T I F I C A T E

I certify that this order uploaded is a true and correct copy of the original signed order.

Uploaded by: S.D. Waghmare
P.A. to the Hon'ble Judge.

Uploaded on : 20/10/2016