

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

3 CRIMINAL APPLICATION NO. 1304 OF 2017

SUNIL SUNDARLAL PATANI AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA

Shri. S.S. Tope, Advocate, for applicants.

Shri. A.B. Girase, Public Prosecutor, for respondent.

Coram: T.V. NALAWADE, J.

Date: 29 March 2017

ORDER:

1) The application is filed for relief of anticipatory bail. Both the sides are heard. Original papers of investigation were shown to the Court.

2) In respect of incident which allegedly took place on 16-2-2017 after 10.30 p.m. in village Andhari, Tahsil Sillod, report came to be given on 22-2-2017 and the crime is registered at CR No.I-61/2017 in Sillod Rural Police Station for offences punishable under sections 324, 323, 143, 147, 148 etc. of the Indian Penal Code and under section 3(1)(r)(s) of the Scheduled Castes and

Scheduled Tribes (Prevention of Atrocities) Act, 1989 against the applicants. It appears that there was some dispute which started due to elections to the Zilla Parishad and Panchayat Samiti from Andhari which were held in February 2017. One Dadarao Wankhede, a person of the side of the complainant, had contested the election as an independent candidate and present applicant No.2 Keshavrao Tayade had contested the election as a Congress (I) candidate. Allegations are made that after voting was over, the applicants came in front of the house of the complainant where there is a hotel of one of the applicants and they brought chairs and sat on the chairs and they started giving abuses to the persons of the family of the complainant. Allegations are made that they had become angry as Dadarao had contested the election against them and abuses were given to them in the name of their caste which is a scheduled caste. Allegations are made that when the complainant came down even assault was made on her and her brother-in-law by using sticks. Allegations are made that she sustained fracture injury and when she realized that there was fracture injury she approached police and she gave the report.

3) The submissions made show that there is political rivalry. They have given reports against each other. The learned Public Prosecutor has produced record of criminal cases registered against these two sides and the record shows that as many as eight cases are registered due to such political rivalry. On the other hand learned counsel for the applicants submitted that the applicants were already afraid that they will be implicated in such false cases by misusing the process of law and misusing the provisions of the special enactment. The report was given on 22-2-2017 to the concerned police. Learned counsel for the applicants submitted that in respect of the incident dated 16-2-2017 report was given by applicant No.2 on 17-2-2017 but the complainant side did not give such report. It appears that report was given on 17-2-2017 by wife of Dadarao Wankhede in respect of one alleged incident which took place at Sillod of taking away amount from the purse. If some incident had really taken place on 16-2-2017 in village Andhari, the present complainant ought to have taken action immediately. The material on record is sufficient to create probability that due to political rivalry reports were given against each

other. The submissions made show that applicant No.2 Keshavrao Tayade got elected and Dadarao is defeated in the said election. Other record is also not consistent with allegations. In view of these circumstances this Court holds that relief of anticipatory bail needs to be given to the applicants. In the result, the application is allowed. The interim relief granted by this Court is hereby confirmed.

Sd/-
(T.V. NALAWADE, J.)

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