

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

Criminal Application No. 01384 of 2017

District : Parbhani

1. Akash s/o. Suryakant Khandare,
Age : 23 years,
Occupation : Education.
2. Kuldeep s/o. Ramrao Wakade,
Age : 23 years,
Occupation : Education.
3. Anil s/o. Sunder Khillare,
Age : 24 years,
Occupation : Education.
4. Kiran s/o. Uddhavrao Khillare,
Age : 26 years,
Occupation : Education.

All R/o. Ambedkar Nagar,
Yeldari Camp, Jintur,
Taluka Jintur,
District Parbhani.

.. Applicants.

versus

The State of Maharashtra,
Through Police Station, Jintur,
Taluka Jintur,
District Parbhani.

.. Non-applicant.

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Mr. S.R. Raundale, Advocate, for the applicants.

*Mr. S.M. Ganachari, Addl. Public Prosecutor, for
the non-applicant.*

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CORAM : T.V. NALAWADE, J.

DATE : 05TH APRIL 2017

ORAL ORDER :

By the present application, the applicants are seeking pre-arrest bail in connection with Crime No. 07/2017 registered with Jintur Police Station, Taluka Jintur, District Parbhani, for offences punishable under Section 143, 147, 395, 298, 323, 506, read with Section 149 of the Indian Penal Code.

02. Both the sides are heard.

03. The crime is registered on the basis of report given by one Shivajirao s/o. Dhondbarao Gadade. Another crime out of the same incident is registered due to report given by other side viz. Crime No. 08/2017 for offences punishable under Sections 427, 279 and 295 of the Indian Penal Code and in that crime, six persons are shown as accused including Shivajirao s/o. Dhondbarao Gadade.

04. It appears that on 06.01.2017, at about 11.00 a.m., when the complainant and his friends were proceeding in their four wheeler, their vehicle dashed against a flag of blue colour which was posted by the side of the road and due to that, present applicant and other persons belonging to Baudha community became angry. They stopped the vehicle and they assaulted the persons present in the vehicle.

Allegations are made that from the persons who were present in the vehicle, their belongings like mobile handsets and cash amounts were taken away and other documents like PAN card and voter I.D. card were also taken away. Thus, total cash amount of Rs. 63,000/- was taken away and in all five mobile handsets were taken away by the accused. Names of the applicants are mentioned in the FIR and it is alleged that they were leading the persons who were assaulting and robbing the complainant and his friends.

05. Papers of investigation show that when the spot Panchanama was prepared, articles like one plastic box containing bottle of black ink and two chains of basil which were in broken condition, were found on the spot. Allegations are made that the persons who assaulted, tried to blacken the faces of persons in the vehicle by using ink. The aforesaid circumstances and registration of counter crime show that some incident did take place.

06. Learned Advocate for the applicants submitted that one political person was involved in the matter and due to one procession taken by the persons from the side of the complainant, the action was taken by Police against the present applicants. These submissions cannot be accepted at this stage. There are aforesaid circumstances and Police papers show that Police have to recover mobile handsets and cash amount of Rs. 63,000/- from the accused. Police papers also show that during interrogation, names of

present applicants also transpired and there are eye witnesses describing names of the present applicants as leaders of the violent mob. Such incidents are increasing day by day. Discretion cannot be used in favour of such persons and they need to realize that they cannot escape after committing such crimes. The incriminating articles need to be recovered and custodial interrogation of the applicants is necessary.

07. In the result, the Application is rejected. It is made clear, that the order of interim protection made on 16th March 2017, in favour of applicant no.01 - Akash s/o. Suryakant Khandare stands vacated as it was for specific period in order to enable him to attend the examination and there is no relief in his favour also.

(T.V. Nalawade)
JUDGE

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