

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

**Criminal Application No. 01512 of 2017**

District : Dhule

Sandip Dyaneshwar Koli,  
Age : 30 years,  
Occupation : Student,  
R/o. Patil Wada, Shirpur,  
Taluka Shirpur,  
District Dhule.

.. Applicant.

**versus**

1. The State of Maharashtra,  
Through Police Station Officer,  
Shirpur City Police Station,  
Shirpur, Taluka Shirpur,  
District Dhule.

2. The Superintendent of Police,  
Dhule, District Dhule. .. Non-applicants.

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*Mr. Pawan B. Pawar, Advocate, for the applicant.*

*Mr. A.R. Borulkar, Addl. Public Prosecutor, for  
non-applicant nos.01 and 02.*

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**CORAM : T.V. NALWADE, J.**

**DATE : 03RD APRIL 2017**

**ORAL ORDER :**

By the present application, the applicant is seeking pre-arrest bail in connection with Crime No. 11/2017 registered with Shirpur City Police Station, District Dhule, for offences punishable under

Sections 392, 324, 143, 147, 148, 504 and 506 of the Indian Penal Code.

02. Both the sides are heard.

03. This Court has carefully gone through the FIR and the papers of investigation.

04. The crime is registered on the basis of FIR given by Nilesh s/o. Pandurang Marathe. According to him, on 09.01.2017, after 11.00 p.m., when he was proceeding on motorcycle, the scooty of the present applicant gave dash to his motorcycle and due to that, there was a quarrel. Allegation is made that, during quarrel, the applicant took away Rs. 10,000/- from back pocket of his pant when he was having amount of Rs. 20,000/- with him. Allegation is made, that on the same day, again after some time, present applicant and his friends assaulted him by using wooden logs, cricket stumps and by means of fist and kick blows. The complainant was then taken to Cottage Hospital at Shirpur.

05. Along with the present application, the applicant has annexed copy of the order made by this Court on 10.02.2017 in Criminal Application No. 627 of 2017, thereby allowing the application for pre-arrest bail preferred by the accused in the same crime. While passing the said order, this Court has observed that there was no injury certificate on record so as to infer physical attack on the

complainant. Today also, there is no medical report available in respect of the injuries suffered by the complainant in the alleged incident.

06. Allegation is made that cash of Rs. 10,000/- was taken away by the applicant and in view of the nature of dispute, exaggeration of things cannot be ruled out. Intention is required for offence punishable under Section 392 of the IPC, but the aforesaid material and nature of allegations and the starting point of the quarrel does not show that there was apparently such intention.

07. In view of the above, this Court holds that the applicant is entitled for pre-arrest bail, subject to some conditions.

08. Hence, the Application is allowed.

In the event of arrest of the applicant, in the above crime, he be released on bail on his executing P.B. & S.B. of Rs. 15,000/- [Rupees fifteen thousand], subject to following conditions :-

(i) As a condition of this order, the applicant shall deposit Rs. 10,000/- [Rupees ten thousand] with the concerned Police Station. The said amount shall be shown as stolen property by the prosecution.

(ii) The applicant shall attend the concerned Police Station on 09th, 16th, 23rd and 30th days of April 2017, between 09.00 a.m. and 12.00 noon and he shall co-operate the Investigation Officer in investigation of the crime in question.

(iii) The applicant shall not contact any of the prosecution witnesses and he shall not tamper with the prosecution evidence in any manner whatsoever.

(iv) The applicant shall not indulge in commission of similar offences in future.

( T.V. Nalawade )  
JUDGE

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