

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

Criminal Application No. 01555 of 2017

District : Ahmednagar

Ganesh Chandrakant Rote,
Age : 40 years,
Occupation : Business,
R/o. Plot No.13, Agashenagar,
Dattanagar, Shrirampur,
Taluka Shrirampur,
District Ahmednagar.

.. Applicant.

versus

1. The State of Maharashtra,
Through Police Station Officer,
Shrirampur City Police Station,
Out Post : Tilaknagar,
Taluka Shrirampur,
District Ahmednagar.
2. The Superintendent of Police,
Ahmednagar,
Taluka & District Ahmednagar. .. Non-applicants.

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Mr. S.P. Brahme, Advocate, for the applicant.

*Mr. S.W. Munde, Addl. Public Prosecutor, for
non-applicant nos.01 and 02.*

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CORAM : T.V. NALAWADE, J.

DATE : 06TH APRIL 2017

ORAL ORDER :

By the present application, the applicant is
seeking pre-arrest bail in connection with Crime No.

I-188/2016 registered with Shrirampur Police Station, District Ahmednagar, for offences punishable under Sections 435, 427, 504 and 506 of the Indian Penal Code.

02. Both the sides are heard.

03. The crime is registered on the basis of report given by Sanjay s/o. Devidas Jagtap, who own electrical shop on Shrirampur-Sangamner road near Arya Hotel. It is his contention that the present applicant, who is resident of that area, was asking him to remove stall of electricals from the spot and he was giving threats to life of the complainant. He has contended that on 17.07.2016 in the morning time, the applicant had quarrel with him and he had given threat to destroy the stall of the complainant by burning it. The incident in question took place between 17.07.2016 and 18.07.2016. When the complainant went to electrical stall on 18.07.2016 at about 08.00 a.m., he noticed that it was totally burnt and articles of Rs. 30,000/- were burnt. The complainant reported the incident to Police on 19.07.2016. The crime was initially registered for offences punishable under Sections 435, 427, 504 and 506 of the Indian Penal Code. It appears that Section 436 of the IPC was added subsequently. The order made by the learned Addl. Sessions Judge shows that it was informed to the Court, that the Police were attempting to search the applicant but he was absconding. When the incident took place between

17.07.2016 and 18.07.2016, the applicant could not be arrested till date.

04. Learned Advocate for the applicant submitted that the applicant is a law abiding citizen and as the complainant has made encroachment upon village Panchayat property, he had asked the complainant to remove that stall and due to that, there was dispute. The submission made shows that there was reason for the complainant to suspect the present applicant. At present, even that suspicion is sufficient for thorough investigation of the matter. As the offence alleged against the applicant is serious one and the property of a poor person is alleged to have been destroyed, this Court holds that no discretionary power can be used in his favour.

05. In the result, the Application fails and the same is rejected.

(T.V. Nalawade)
JUDGE

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