

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

CRIMINAL APPLICATION NO. 1736 OF 2017

WITH

CRIMINAL APPLICATION NO. 1780 OF 2017

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CRIMINAL APPLICATION NO. 1736 OF 2017

Sunil Pralhad Kotwal .. Applicant
Age. 43 years, Occ. Service,
R/o. Dahiwal, Tal. Sakri,
Dist. Dhule.

Versus

The State of Maharashtra .. Respondent
Through Sakri Police Station,
Tal. & Dist. Dhule.

WITH

CRIMINAL APPLICATION NO. 1780 OF 2017

1. Hiranman Barku Mali .. Applicants
Age. 50 years, Occ. Labourer,
R/o. Dahiwal, Tq. Sakri,
Dist. Dhule.

2. Mahendra Pravin Bacchav
Age. Adult, Occ. Labourer,
R/o. Dahiwal, Tq. Sakri,
Dist. Dhule.

Versus

The State of Maharashtra .. Respondent
Through Sakri Police Station,
Tal. & Dist. Dhule.

Mr.N.L.Choudhari & Mr.D.S. Bagul, Advocates for the applicants.

Mr.A.A. Jagatkar & Mr.M.M. Nerlikar, A.P.P. for respondent/State.

CORAM : T.V. NALAWADE, J.

DATED : 17.04.2017

P.C. :-

1. Both the applications are filed for bail. Both the sides are heard. The papers of investigation were made available for perusal of this Court.

2. The crime is registered at C.R. No.33 of 2017 in Sakri Police Station, Dist. Dhule, for the offences punishable under sections 341, 342, 343, 452, 365, 324, 323, 504, 506 read with 34 of the Indian Penal Code and under section 3(1)(r)(s) of the S.C. & S.T. (Prevention of Atrocities) Act, on the basis of report given by Brijlal Thakre. One Kanhaiyalal is son of the complainant and Kanhaiyalal is living at Dahiwel in rented room for education purpose. He was visiting regularly a Chinese food stall and due to that the stall owner had become his friend. It appears that he used to pass photos and messages to the owner of stall on his mobile handset. The incident in question took place between 12.30 a.m. and 02.00 a.m. of the night between 19.03.2017 and 20.03.2017. The allegations are made that all the three applicants entered the room and started assaulting

Kanhaiyalal by using waist belt. Applicant – Kotwal is a police constable. They assaulted him by asking from where he had procured the photograph of the girl, which was passed on the mobile handset of the owner of the stall. When he was being beaten, somebody had done video shooting of the incident and the said video shotting was shown to Brijlal. Complainant – Brijlal rushed to the Dahiwel. As Kanhaiyalal was not present in the house, he gave report on 20.03.2017 and crime came to be registered. Kanhaiyalal returned on 22.03.2017 and he disclosed the aforesaid incident. This Court has seen injury certificate and it shows that there were many abrasions over shoulder and face. The injuries are described as simple. There is possibility that due to the act of Kanhaiyalal of procuring photograph of some girl, the incident took place.

3. The applicants are behind the bar since 21.03.2017. It can be said that the applicants took law in their hand. They must have learnt lesson, as they are behind the bar since 21.03.2017. Therefore, this Court holds that it is not desirable to keep the applicants behind the bar till disposal of the case.

i. In the result, the applications are allowed.

ii. The applicants – Sunil Pralhad Kotwal, Hiranman Barku Mali and Mahendra Pravin Bacchav be released on bail in connection with Crime No. 33 of 2017 registered with Sakri Police Station, Dist. Dhule, for the offences punishable under sections 341, 342, 343, 452, 365, 324, 323, 504, 506 read with 34 of the Indian Penal Code and under section 3(1)(r)(s) of the S.C. & S.T. (Prevention of Atrocities) Act, on their furnishing PR & SB of Rs.15,000/- (Rupees Fifteen Thousand) each.

iii. The applicants are not to tamper the prosecution witnesses and they are not to commit similar offence.

[T.V. NALAWADE, J.]