

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

CRIMINAL APPLICATION NO. 1924 OF 2017

SAGAR S/O. RAGHUNATH BHALERAO AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA AND ANR

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Advocate for Applicants : Mr Dixit Satyajeet S
APP for Respondents: Mrs R P Gour
Mr Shinde S.K. Advocate For R.no. 3.

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CORAM : V.K. JADHAV, J.

Dated: August 31, 2017

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PER COURT :-

1. The applicants are seeking pre-arrest bail in connection with Crime No.II-3/2017 registered at Ghargaon Police Station, Tq.Sangamner, District Ahmednagar, for the offences punishable under sections 323, 504, 506, 34 of IPC and u/s 3 (1) ® (s) of of Scheduled Castes and Scheduled Tribe (Prevention of Atrocities) Act. Their application with similar prayer bearing Criminal Application No.45/2017 came to be rejected by the Additional Sessions Judge, Ahmednagar.

2. Brief facts, giving rise to the present application are as under :-

aaa/-

a] On the basis of the complaint lodged by one Pravin Ramchandra Parad dated 27.2.2017 aforesaid crime came to be registered. It has been alleged in the complaint that, on 26.2.2017 at about 06.00 p.m. the complainant had been to the grocery shop of one Subhash Kakad. Some 15 days prior to it, the applicant Subhash, under the influence of liquor, given warning to the complainant that he should not stay with one Navjyot Subhash Kakad. Thus, the complainant when he was there in the grocery shop of Subhash Kakad, in front of the said shop, he was beaten by the applicant nos. 1 and 2 with the help of fist and kick blows and they have also abused him on caste basis. On the basis of these allegations, the applicants apprehends their arrest at the hands of the police.

3. Learned counsel for the applicant submits that, out of the political rivalry the complainant has lodged the complaint against the present applicant. Learned counsel submits that, in respect of the incident which has taken place on the same day at about 7.00 p.m.

present applicant no.2 has lodged the complaint in the same police station and accordingly Crime No.I-18/2017 came to be registered for the offences punishable under sections 324 read with section 149 of IPC against the friend of the complainant and the said Navjyot Kakad. It has been alleged in the complaint that, friends of the present complainant and said Navjyot has extended beating to applicant no.2 on the count that, he was canvassing for congress party. The learned counsel submits that, the allegations about abuses on caste basis have been inserted in the complaint deliberately. The applicants are having fixed place of residence. They are ready to abide the conditions if any imposed by this Court.

4. The learned APP has strongly resisted the application on the ground that, the present applicant nos. 1 and 2 abused the complainant on his caste basis and also extended beating. There is bar of section 18 of the S.C. and S.T. (Prevention of Atrocities) Act and as such the applicants are not entitled to be released on

pre-arrest bail.

5. On perusal of the complaint, it appears that the incident had taken place due to some trifling reasons. It also appears that, the incident which has taken place on the same day at about 7.00 p.m, wherein present applicant was beaten by said Navjyot Kakad and friends of the complainant on the count that he was canvassing for congress party, Crime No.18/2017 came to be registered in the same police station for the offence punishable under section 143 147, 149 324, 323 of IPC. On perusal of the said complaint, it appears that, the present applicant no.2 was beaten by the accused in the said crime with the help of wooden log, iron rod and he was also admitted in the PHC Ghargaon.

6. In view of the above, and considering the political rivalry between two groups, I am inclined to grant pre-arrest bail to the applicants. Hence, following order.

O R D E R

1. Application is hereby allowed.

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2. In the event of arrest of the applicants 1-Sagar Raghunath Bhalerao, 2- Nitin Laxman Pawar and 3- Subhash Rupchand Thorat @ Thube, in connection with Crime No.II-3/2017, registered with Ghargaon Police Station, Tq. Sangamner, District Ahmednagar, they be released on bail on their furnishing P.B. of Rs.15,000/- (Rs. Fifteen thousand), each, with one surety of the like amount by each of them on the following conditions :-
 - a] The applicants shall not tamper with the prosecution evidence in any manner and they shall make themselves available as and when required by the I.O. for the further investigation.
 - b] The applicants shall attend the concerned police station once in a week i.e. on every Sunday between 9 to 11 am till filing of the charge sheet.
3. Application is accordingly disposed of.

(V.K. JADHAV, J.)

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