IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO. 2457 OF 2017

1 Sagar s/o Pandit Gaikwad, Age 29 years, Occ. Labourer, R/o. Matoshri Niwas, Burudgaon Road, Ahmednagar, Tq. & Dist. Ahmednagar. **... Applicants.**

2 Sandesh s/o Sitaram Shinde, Age 21 years, Occ. Education, R/o. Nimgaon Wagha, Ahmednagar, Tq. & Dist. Ahmednagar.

V E R S U S

1 The State of Maharashtra Through Investigating Officer, Kotwali Police Station Ahmednagar, Tq. & Dist. Ahmednagar **... Respondents.**

2 Vinod s/o. Raju Kamble, Age 28 yers, Occ. Manager, Ro. Near Pach Godown, Kedgaon, Ahmednagar, Tq. & Dist. Ahmednagar.

Mr. N. B. Narwade,learned Advocate for the Applicants.
Mr. A. A. Jakatkar, A.P.P. for the respondent/State
Mr. A.S. Gandhi, Advocate for the respondent No. 2.

WITH

CRIMINAL APPLICATION NO. 2009 OF 2017

Sangram s/o Babanrao Shelke, Age 29 years, Occ. Business, Ro. Bhushan Nagar, Kadegaon, Tq. & Dist. Ahmednagar. **... Applicant.**

V E R S U S

1 The State of Maharashtra Through Investigating Officer, Kotwali Police Station Ahmednagar, Tq. & Dist. Ahmednagar **... Respondents.**

2 Vinod s/o. Raju Kamble, Age 28 yers, Occ. Manager, Ro. Near Pach Godown, Kedgaon, Ahmednagar, Tq. & Dist. Ahmednagar.

Mr. N. B. Narwade,learned Advocate for the Applicants.
Mr. A. A. Jakatkar, A.P.P. for the respondent/State
Mr. A.S. Gandhi, Advocate for the respondent No. 2.

WITH
CRIMINAL APPLICATION NO. 2458 OF 2017

1 Harshwardhan @ Abhishek Mahadeo Kotkar, Age 21 years, Occ. Education. **... Applicants.**

2 Rushikesh s/o Mahadeo Kotkar, Age 19 years, Occ. Education.

Both r/o. Kotkar Mala, Nepti Road, Eknath Road, Kedgaon, Ahmednagar, Tq. & Dist. Ahmednagar.

V E R S U S

1 The State of Maharashtra Through Investigating Officer, Kotwali Police Station Ahmednagar, Tq. & Dist. Ahmednagar **... Respondents.**

2 Vinod s/o. Raju Kamble, Age 28 yers, Occ. Manager, Ro. Near Pach Godown, Kedgaon, Ahmednagar, Tq. & Dist. Ahmednagar.

Mr. N. B. Narwade,learned Advocate for the Applicants.
Mr. A. A. Jakatkar, A.P.P. for the respondent/State
Mr. A.S. Gandhi, Advocate for the respondent No. 2.

WITH

CRIMINAL APPLICATION NO. 2459 OF 2017

Mahadeo Eknath Kotkar, Age 50 years, Occ. Business, R/o. Kotkar Mala, Nepti Road, Eknath Road, Kedgaon, Ahmednagar, Tq. & Dist. Ahmednagar. ... **Applicant.**

V E R S U S

1 The State of Maharashtra Through Investigating Officer, Kotwali Police Station Ahmednagar, Tq. & Dist. Ahmednagar ... **Respondents.**

2 Vinod s/o. Raju Kamble, Age 28 yers, Occ. Manager, Ro. Near Pach Godown, Kedgaon, Ahmednagar, Tq. & Dist. Ahmednagar.

Mr. N. B. Narwade,learned Advocate for the Applicants.
Mr. A. A. Jakatkar, A.P.P. for the respondent/State
Mr. A.S. Gandhi, Advocate for the respondent No. 2.

CORAM : K.L. WADANE, J.
DATE : 27th July, 2017

ORDER :

1. Heard Mr. Narwade, learned counsel appearing for the applicants, Mr. Jakatkar, learned APP appearing for the respondent/state and Mr. A. S.

Gandhi, learned advocate for the respondent No. 2.

2. All the above applications are filed under section 438 of the Code of Criminal Procedure in connection with Crime No. 90/2017 registered with Kotwali Police Station, District Ahmednagar, by in all six accused persons. Out of which one accused Rishikesh Mahadeo Kotkar was arrested by the police during the pendency of the application and he is released on regular bail. Mr. Narwade, learned counsel for the applicants not pressed the prayer of pre-arrest bail in respect of accused Sangram Babanrao Shelke (in Criminal Application No. 2009 of 2017) and Harshwardhan @ Abhishek s/o Mahadeo Kotkar (in Criminal Application No. 2458 of 2017). Hence, their applications are disposed of as withdrawn. Now, the prayer of pre-arrest bail is with regards to Sagar Gaikwad, Sandesh Shinde and Mahadeo Khotkar.

3. On scrutiny of allegations against these accused persons namely Sagar Gaikwad, Sandesh Shinde and Mahadeo Kotkar, it appears that, accused Sagar and Sandip were on the spot. But there was no overt act attributed to them, nor there were specific

allegations against them by the informant and witnesses nor there are allegations against them about the damages caused to the hotel. There are certain allegations against accused Mahadeo Kotkar that he has instigated other accused to beat the informant and other persons. However, the allegations against Mahadeo Kotkar can be investigated very well. Since there are no allegations against accused Mahadeo Kotkar that he had used any weapon while committing the offence nor the overt act or act attributed to accused Mahadeo Kotkar except instigation to accused persons. Hence, pass following order.

O R D E R.

(1) Criminal Applications NO. 2457 of 2017 and 2459 of 2017 are allowed.

(2) In the event of arrest of the applicants (1) Sagar Pandit Gaikwad, (2) Sandesh Sitaram Shinde and (3) Mahadeo Eknath Kotkar, in connection with Crime No.90 of 2017, registered with Kotwali Police station Tq. & Dist. Ahmednagar, they be released on bail on their furnishing P.R. bond of Rs. 25,000/- (Rupees

twenty five thousand only) each, with one surety in the like amount.

(3) The applicants shall not tamper with the prosecution evidence in any manner.

(4) The applicants shall attend the Kotwali police station District Ahmednagar on every Sunday between 12 noon to 2 p.m., till filing of the charge-sheet.

4. Criminal Applications are disposed-of.

(K.L. WADANE, J.)

mkd/-