

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

924 CRIMINAL APPLICATION NO. 2246 OF 2017

KRUSHNA MACHINDRA GORDE.
VERSUS
THE STATE OF MAHARASHTRA.

Shri. Sunil B. Surse, Advocate, for applicant.

Shri. A.A. Jagatkar, Additional Public Prosecutor, for
respondent.

Coram: T.V. NALAWADE, J.

Date: 3 May 2017

ORDER:

1) The application is filed for bail. Both the sides are heard. Papers of investigation were made available.

2) The crime is registered on the basis of report given by Naib Tahsildar of Georai, District Beed in Chaklamba Police Station Beed at CR No.86/2017 for offences punishable under sections 307, 327, 333, 332, 341, 336, 337, 338, 353, 379, 143, 147, 149, 323 of the Indian Penal Code and few provisions of Mines and Mineral Act. The crime is registered in respect of incident

dated 6-4-2017. There was specific information to the officers of the Tahsil that some persons were committing theft of sand from the bed of river Godawari at village Guntegaon, Tahsil Georai. The Naib Tahsildar went to the spot along with his staff at 23.30 hours. They noticed one truck was there in which there was sand already loaded. As nobody was present inside the truck, staff members including Talathi started the truck and they were taking the truck to Tahsil office. On the way the truck was intercepted by one Swift Car and then Vikas Gorde, brother of the applicant came, on motor cycle. Vikas Gorde said that the truck belongs to him with sand and asked them to release the truck. When the staff refused to do so, they picked up quarrel. They assaulted Talathi and other staff members. There were more 5 persons involved. There was assault on the public servants. Then they started pelting stones. Due to fear the officers went away and then the truck was taken away by those persons. Present applicant was one of the persons who was in the company of Vikas Gorde and the applicant is the brother of Vikas Gorde.

3) The submissions made show that except Vikas Gorde, other persons involved in the incident were arrested. Copy of bail granted to Shaikh Harun is produced on record and it shows that learned Judge of the Sessions Court Beed granted bail to Shaikh Harun on 26-4-2017. The application of the present applicant was placed before other Judge of the same Court who rejected the application by giving some reasons like involvement of the present applicant and he is brother of Vikas Gorde.

4) The learned counsel for the applicant submitted that applicant will get married tomorrow. In view of this circumstance this Court holds that bail needs to be granted to the present applicant. The learned Additional Public Prosecutor submitted that there are no similar antecedents against the applicant. There is no injury certificate in the papers of investigation. The applicant is behind the bars since 7-4-2017. In view of these circumstances this Court holds that it is not desirable to keep the applicant behind the bars till disposal of the case which may be filed against him. Opportunity needs to be given to him to improve.

5) In the result, the application is allowed. The applicant is to be released on bail in Crime No.86/2017 registered in Chaklamba Police Station, District Beed for offences punishable under sections 307, 327, 333, 332, 341, 336, 337, 338, 353, 379, 143, 147, 149, 323 of the Indian Penal Code and section 21(4) of Mines and Mineral Act on his furnishing Personal Bond of Rs.50,000/- (Rupees Fifty Thousand Only) with one or more solvent sureties of the like amount. The applicant is not to tamper with prosecution witnesses. He is not to commit similar offence.

Sd/-
(T.V. NALAWADE, J.)

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