

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

CRIMINAL APPLICATION NO. 2294 OF 2017

GAURAV @ VICKY RAMCHANDRA THAKRE
RAMCHANDRA SHANKAR THAKRE
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER.

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Advocate for Applicants : Mr. Sawant Amol S.
APP for Respondent 1 : Mr. A A Jagatkar
Advocate for Respondent 2 : Mr Samir S. Shaikh.

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CORAM : V.K. JADHAV, J.
Dated: September 11, 2017

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PER COURT :-

1. The applicants are seeking pre-arrest bail in connection with Crime No.38/2017 registered with Sakri Police Station, Tq. and District Dhule for the offences punishable under sections 341, 323, 504, 506 34 of IPC. Their application with similar prayer bearing Criminal Bail application No.342/2017 came to be rejected by the Additional Sessions Judge, Dhule vide order dated 26.4.2017.

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

aaa/-

a] On the basis of the complaint lodged by one Ashabai Shyam Pawar, aforesaid crime came to be registered. It has been alleged in the complaint that, elder brother- in-law of the informant namely Rama was working in the field of applicant no.1 as a labour on yearly basis and due to abuses given by the applicant no.1 to said Rama, he left that job. It has been further alleged in the complaint that due to leaving of the said job, on 30.3.2017 present applicant and one more co-accused went to house of the informant and abused said Rama on the count that though he has accepted the yearly wages, he did not complete the labour work for the whole year. It has been further alleged in the complaint that the present applicants and co-accused tied hands and legs of the said Rama with the help of rope and further beaten him with the fist and kick blows. It has been also alleged in the complaint that said Rama was also abused on caste basis. On the basis of these allegations, the applicants apprehends their arrest at the hands of the police.

3. The learned counsel for the applicants submits that, the incident had taken place on 30.3.2017. Complaint has been lodged belatedly without any explanation. There is 15 days delay in lodging the complaint. Learned counsel submits that, as per the allegations made in the complaint, quarrel had taken place on the count that said Rama refused to complete his yearly assignments though accepted the amount in lieu of that. Learned counsel submits that, said Rama had not approached the police station for lodging the complaint and, lodged the present complaint through the informant Asha Pawar. Antecedents of the applicants are clear. They have fixed place of residence. They are not likely to be absconded. There is no question of tampering with the prosecution evidence.

4. Learned APP has strongly resisted the application on the ground that said Rama was mercilessly beaten by the applicants by tying his hands and legs. During the course of the investigation, statement of the injured Rama was also recorded. There is prima facie case

against the present applicants and thus their application seeking pre-arrest bail is liable to be rejected. The learned APP also apprehends tampering of the prosecution evidence by the applicants if released on pre-arrest bail.

5. On perusal of the complaint and investigation papers, it appears that, there is delay of 15 days in lodging the complaint without any explanation. Moreover it also appears that, said Rama had sustained only simple injuries in the incident. It further appears that, quarrel had taken place on the ground that said Rama has refused to complete the yearly work though accepted entire amount. Antecedents of the applicants are clear. They are not indulged in similar activities. Thus, by imposing certain conditions, the applicants can be released on pre-arrest bail. Hence, following order.

O R D E R

1. Application is hereby allowed.

2. Interim pre-arrest bail granted on 5.5.2017 stands confirmed on the following conditions :-
 - a] The applicants shall not tamper with the prosecution evidence in any manner.
 - b] The applicant shall attend the concerned police Station once in a week i.e. on every Sunday between 09.00 am to 11 am till filing of the charge sheet.
3. Application is accordingly disposed off.

(V.K. JADHAV, J.)

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