

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

CRIMINAL APPLICATION NO. 3550 OF 2017

RAJENDRA @ RAJU NAMDEO BANDE AND ANR
VERSUS
THE STATE OF MAHARASHTRA

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**WITH
APPLN/3345/2017**

KIRAN KISAN TARAL AND ANR
VERSUS
THE STATE OF MAHARASHTRA.

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**WITH
APPLN/3346/2017**

SUDAM RAKHAMA KORADE
VERSUS
THE STATE OF MAHARASHTRA.

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Advocate for Applicants : Mr Karpe Rahul R.
APP for Respondents: Mr A S Shinde

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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.I-111/2017 registered at Parner Police Station, District Ahmednagar, for the offences punishable under sections 395, 353, 332, 333, 143, 145, 147, 149, 323, 427, read with 120 (B) of IPC

and U/s 37 (1) (3)/135 of Maharashtra Police Act and u/s 7 of Criminal Act, 1932. Their application with similar prayer came to be rejected by the learned Additional Sessions Judge, Ahmednagar.

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

a] On the basis of the complaint lodged by P.C. Rajaram Ghorkale of Police Station Parner aforesaid crime came to be registered. It has been alleged in the complaint that, on 5.6.2017, a mob consisting of 100-150 persons was found assembled on the spot in connection with the agitation of the farmers. Said mob was obstructing the vehicles and even preventing the vehicles carrying vegetables and milk to Mumbai. The mob started pelting stone towards police. The mob attempted to ablaze the vehicles. It has been further alleged in the complaint that, said mob caused damage to one milk tanker and also caused damage to the milk by releasing the valve. On the basis of these allegations, present applicants apprehend their arrest at the hands

of the police.

3. Learned counsel for the applicant/s submits that, though names of some of the applicants are mentioned in the FIR, no specific role is attributed to them. Allegations are general in nature. There was an agitation of farmers and as such they were obstructing the vehicles carrying vegetables and milk to Mumbai. Antecedents of the applicants are clear. They have fixed place of residence. Thus, by imposing certain conditions, they may be released on pre-arrest bail.

4. The learned APP has strongly resisted the application on the ground that, investigation is still in progress and the applicants and the other co-accused caused damage to the public property. They have also assaulted the police personnel on duty. Their applications are liable to be rejected.

5. On perusal of the complaint and investigation papers, it appears that general allegations have been made against the applicants and no specific role is

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ascribed to them. The antecedents of the applicant/s are clear. It appears that there was agitation of the farmers and mob consisting 100-150 persons was obstructing the vehicles on the road carrying vegetables and milk to Mumbai on the count that they are not getting the market value for their agricultural produce.

6. In view of the above, I am inclined to grant pre-arrest bail to the applicants in all applications. Hence, following order.

O R D E R

1. Application Nos. 3550/2017, 3345/2017 and 3346/2017 are hereby allowed.
2. The applicant No. 1- Rajendra @ Raju Namdeo Bande and 2]- Malibhau Dhondibhau Randhwan in Criminal Application No.3550/2017, the applicant No.1]-Kiran Kisan Taral and 2]- Appasaheb Gangadhar Shinde in Criminal Application No.3345/2017 and the applicant -Sudam Rakhama Korade in Criminal Application No.3346/2017, in the event of their arrest in connection with No.I-111/2017 registered at

Parner Police Station, District Ahmednagar, for the offences punishable under sections 395, 353, 332, 333, 143, 145, 147, 149, 323, 427, read with 120 (B) of IPC and U/s 37 (1) (3)/135 of Maharashtra Police Act and u/s 7 of Criminal Act, 1932 be released on bail on their furnishing P.B. Of Rs,5,000/- 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 the applicants shall make themselves available as and when required by the Investigating officer.
- 3] Applications are accordingly disposed of.

(V.K. JADHAV, J.)

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