

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

CRI. APPLICATION (ABA) NO.304 OF 2016

(RAMESH TULSHIRAM SHEBE & SACHIN RAMESH SHEBE...VS.. STATE OF MAH. THR. P.S.O. PS
PUSAD CITY, DIST. YAVATMAL)

WITH

CRI. APPLICATION (ABA) NO.323 OF 2016

(NITIN RAMESH SHEBE ..VS.. STATE OF MAH. THR. P.S.O. PS PUSAD CITY, DIST. YAVATMAL)

WITH

CRI. APPLICATION (ABA) NO.331 OF 2016

(PRAVIN VITTHAL MARKAD ..VS.. STATE OF MAH. THR. P.S.O. PS PUSAD CITY, DIST. YAVATMAL)

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Ms A.P. Gupta, Adv. & Shri J.M.Gandhi, Adv. for applicants.
Shri T.A.Mirza, A.P.P. for non-applicant/State.

CORAM : Z.A.HAQ, J.

DATED : JUNE 06, 2017.

Criminal Application (ABA) No. 304 of 2016 is filed by two applicants (i) Ramesh Tulshiram Shebe and (ii) Sachin Ramesh Shebe. The learned Additional Public Prosecutor has pointed out that applicant No.2-Sachin Ramesh Shebe had filed Criminal Application No. 392 of 2016 before this Court which is rejected by the order passed on 13th July, 2016. The learned advocate for the applicants has made a statement that Criminal Application (ABA) No.304 of 2016 on behalf of applicant No.2-Sachin Ramesh Shebe is rejected on 6th May, 2016.

As far as Criminal Application (ABA) No. 304 of 2016 on behalf of the applicant No.1-Ramesh Tulshiram Shebe is concerned, it is taken up for hearing along with Criminal Application (ABA) No. 323 of 2016 and Criminal Application (ABA) No. 331 of 2016.

These three applications are disposed by this common order.

The applicants seek pre-arrest bail in the crime registered against them for the offences punishable under Sections 307, 326, 143, 147, 148, 149 and 294 of the Indian Penal Code. In Criminal Application (ABA) No. 304 of 2016 interim protection is granted on 6th May, 2016, in Criminal Application (ABA) No.323 of 2016 the interim protection is granted on 17th May, 2016 and in Criminal Application (ABA) No. 331 of 2016 the interim protection is granted on 20th May, 2016.

The Investigating Agency has not made any complaint that the applicants/ accused have misused the liberty/ protection granted to the applicants by this Court by the above referred orders. The Investigating Agency has not been able to show that the custody of the applicants is required for further investigation. The incident is dated 23rd April, 2016. It is not the case of the Investigating Agency that the applicants are habitual offenders and are involved in other crimes/ offences. The applicant in Criminal Application No. 331 of 2016-Pravin Vitthal Markad has stated in para 1 of the application that he is working in public cause and therefore, falsely implicated in several cases and in some of them he is acquitted honourably. In spite of this fair statement made by applicant-Pravin the Investigating Agency has not pointed out that applicant-Pravin is involved in antisocial activities and crimes/ offences are registered against him.

Considering the above facts, in my view, the orders granting interim protection to the applicants (i) Ramesh Tulshiram Shebe (applicant No.1 in ABA No.304/2016), (ii) Nitin Ramesh Shebe (applicant in ABA No.323/16) and (iii) Pravin Vitthal Markad (applicant in ABA No.331/16) are confirmed.

All the criminal applications, except criminal application of Sachin Ramesh Shebe, are **allowed** in the above terms.

Criminal Application of Sachin Ramesh Shebe (applicant No.2 in ABA No.304/2016) is **dismissed**.

JUDGE

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