

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

CRIMINAL APPLICATION (ABA) NO.849 OF 2016
(Pravin Vasudeo Dumhare and others vs. The State of Maharashtra)

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

Shri A.M. Kukday, Advocate for applicants.
Shri A.V. Palshikar, Additional Public Prosecutor for
respondent.

CORAM : P.N. DESHMUKH, J.

DATED : MARCH 10, 2017

This application is filed for bail before arrest in Crime No.437/2016 registered for the offences punishable under Sections 353, 332, 385, 452, 448, 143, 147, 149, 504 and 506 of Indian Penal Code.

Heard Shri Kukday, learned Counsel for applicants, and Shri Palshikar, learned Additional Public Prosecutor for respondent. Perused the affidavit-in-reply filed by respondent.

Applicants are protected by interim order of this Court dated 27/12/2016 and admittedly they had attended Investigating Officer as directed earlier.

It is the case of prosecution that applicants along with 100-150 others, who are members of Birsamunda Brigade, attempted to cause obstruction to complainant while doing official work and extended threats to him in the event he fails to give admission to students belonging to Scheduled Caste community in the Hostel of Ekatmic Adiwasi Vikas Prkalp.

Shri Kukday, learned Counsel for applicants, has contended that there is no specific role attributed to any of the applicants to have assaulted complainant and admittedly there were 100-150 persons gathered for the said purpose along with applicants. It is submitted that though investigation is in progress, application may be allowed by imposing suitable conditions as applicants are ready to remain out of city of Pusad till investigation is completed.

The prosecution has opposed the application on the ground that on 3/12/2016 at about 1 p.m. applicants along with other 100-150 persons entered into office of complainant and quarreled with him, then abused him and assaulted by slapping him. It is contended by learned Additional Public Prosecutor that one month prior to the aforesaid incident, same group of persons had demanded Rs.25,000/- from complainant for Birsamundra Jayanti when complainant refused to donate such amount and was willing to pay Rs.500/-. It thus appears that applicants had grudge against complainant even prior to incident dated 3/12/2016. However, considering the nature of involvement of applicants as aforesaid, application is liable to be allowed as per order below :

Interim protection granted to applicants vide order dated 27/12/2016 passed by this Court stands confirmed on the same terms and conditions. Applicants shall not enter within the territorial limits of Pusad city till completion of investigation except for attending Investigating Officer, if called, for the purpose of

investigation. The criminal application is accordingly allowed.

JUDGE

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