

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

Criminal Application (ABA) No.574 of 2018
(Siddharth Waman Kamle and others.vs. State of Maharashtra through PSO
PS Ansingh, Dist. Washim)
with
Criminal Application (ABA) No.581 of 2018
(Dharmapal Shalikram Kamble and another.vs. State of Maharashtra
through PSO PS Ansingh, Dist. Washim)

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

Court's or Judge's orders.

Mr. T.G. Bansod, Advocate for Applicants in ABA 574/18
Mr. R.S. Kurekar, Advocate for Applicants in ABA581/18
Mr. N.B. Jawade, APP for Non-applicant/State.
Mr. D.R. Khapre, Advocate for Complainant/Assist to prosecution.

CORAM : NITIN W. SAMBRE, J.
DATED : AUGUST 29, 2018.

Criminal Application (APPP) Nos.1430 & 1431
of 2018, moved by the complainant to assist the
prosecution, are allowed.

Criminal Application (ABA) Nos. 574 & 581/2018

Both these applications can be conveniently
disposed of by this common order. The present
applicants are accused in Crime No.120/2018 which
according to the applicants alleged to have taken place
on 15.06.2018 for which a complaint was lodged on
17.06.2018 i.e. after unexplained delay of two days. It is
also claimed by the present applicants that the issue
about drawing of water from a well by the community
members of two religion, has resulted into a clash, as a
consequence the offence in question is based on the

false attributions. Attention of this Court was invited to the complaint lodged by the group members of the present applicants on 15.06.2018, which has resulted into registration of crime under the provisions of the Atrocities Act against the group of which the complainant is member.

As such according to the applicants, false implication cannot be ruled out.

Perused the contents of the F.I.R. There is no convincing explanation in the F.I.R. for delayed lodging of the complaint.

Apart from above, what is required to be noted is that the complaint lodged on 15.06.2018 by the group members of the applicants was followed by the complaint against them which has resulted into registration of Crime No.120 of 2018, in which the applicants are seeking bail.

I am informed that the group members of the complainant are already released on pre-arrest bail.

In the aforesaid eventuality, the implication of the applicants in false crime cannot be ruled out. In view thereof, the applications deserve to be allowed.

(i) In the event of the arrest of the applicants in Crime No. 120 of 2018 registered with the non-applicant for offences punishable under Sections 395, 354-A, 294, 323, 506 of the Indian Penal Code and Sections 8 and 12 of the Protection of Children from Sexual Offences Act, 2012, the applicants be released on furnishing personal bond of Rs.15,000/- with one or two solvent sureties in the like amount by each.

(ii) The applicants shall not tamper with the

prosecution evidence nor shall attempt to influence the prosecution witnesses in any manner.

(iii) The applicants shall not indulge in similar type of offence in future, else the prosecution will be at liberty to move for cancellation of the bail.

Rajendra
Gajananrao
Halwai

Digitally signed
by Rajendra
Gajananrao
Halwai
Date:
2018.08.29
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JUDGE

halwai