

Special Case No. 21 of 2018**Order below Exh.3**

1. The applicants No.1 to 6 apprehend their arrest in CR No.176/2017 registered with Pandharpur Taluka Police Station for the offences p/u/secs. 143, 147, 149, 323, 504, 506 of IPC, under Sec. 3(1)(r)(s), 3(1)(u), 3(1)(za-c), 3(2)(va), 6 of SC and ST (Prevention of Atrocities Act and under Sec.7(1)(d) of the Protection of Civil Rights Act.

2. Contention of the applicants in brief, is as under-

Applicants are innocent and did not commit any offence. There is no prima facie evidence against applicants to connect their in the alleged offence. There is no question of recovery or discovery at the instance of applicants. Applicants are ready to co-operate the IO and is ready to abide all the terms and conditions, if they are released on bail.

3. Prosecution has filed say at Exh.8 and resisted the application. Contention of the prosecution in brief, is as under -

Prosecution raised strong objection to the application, mainly on the grounds that offences are serious in nature, prima facie there appears direct involvement of the applicants in the commission of crime and there is every possibility of playing pressurizing tactics on the prosecution witnesses, if applicants are released on bail.

4. Original informant/injured filed application Exh.12 along with affidavit Exh13 and resisted the application.

5. Heard learned counsel for the applicants, first informant in person and learned APP for the state and gone through the

record.

6. The applicants/accused filed certified documents on record along with list Exh.18.

7. It is seen that applicant No.6 Navnath Balu Wagh has lodged FIR on 4/4/2017 against the present first informant Amar Hari Kamble, Ramling Piraji Ingale, Pushpa Hari Kamble, son of Ramling Piraji Kamble and Seema Hari Kamble in Pandharpur Taluka Police Station for the offence p/u/s. 143, 147, 149, 323, 506 of I.P.C. In that matter applicant No.6 executed an affidavit before the Tahasildar that he is going to withdraw the FIR in order to avoid riot on the ground of caste. It is further seen that present informant Amar and others had filed one anticipatory bail application No.244/2018 in this Court and this Court mainly on the ground that present applicant No.6 Navnath had sworn the affidavit mentioning therein that due to political pressure and at the instance of others he had lodged the report, released the present first informant and others on bail, on 14/6/2018.

8. Admittedly charge-sheet is filed and pending in this Court in the present matter. In the said charge-sheet the original affidavit sworn by the first informant Amar Hari Kamble on bond of Rs.100/-, executed before the Tahasildar i.e. Executive Magistrate, Pandharpur, is included.

9. On going through the said affidavit dated 10/4/2017 it is seen that first informant has clearly mentioned in it that he has lodged the FIR against Dinkar and others bearing Crime No.176/2017 in Pandharpur Taluka Police Station on 4/4/2017. It is further contended that he has filed the said FIR keeping grudge against the accused in the mind and due to political pressure and at

the instance of others. It is also mentioned that actual fact is different from the fact mentioned in the FIR and that he has no grievance against accused. It is also mentioned that he is withdrawing the said FIR, in order to avoid the communal riot, etc. Prima facie it appears from the said document that informant has executed the said affidavit before the Executive Magistrate, Pandharpur in the similar wording and style as it worded in the affidavit sworn by present applicant.

10. It is pertinent to note here that the present first informant had filed on record the original affidavit sworn by present applicant Navnath before the Court and on that basis first informant and others were released on bail. Therefore same criteria is applicable in the present case also. The first informant by filing application Exh.12 supported by affidavit states that he had sworn the said affidavit as present applicants had pressurized him to do so. But considering the above facts that present first informant by relying upon the affidavit sworn by present applicant is released on bail, his contention in the application Exh.12 cannot be entertained.

11. It is seen that charge-sheet is already filed in the Court and I.O. has mentioned in the charge-sheet that to issue summons to the applicants to attend the Court. Ld. Counsel for the applicants rightly pointed out that present applicants remained present before the concerned Police Station as per notice dated 7/4/2017 and also on next date in which the applicants are directed to remain present before this Court on 21/3/2018. First informant has submitted one application Exh.16 to issue NBW against applicants. In such circumstances I find it proper to allow this pre-arrest bail application of the applicants. Hence, I proceed to pass the following order.

ORDER

1. Application for pre-arrest bail is allowed;
2. In the event of arrest of applicants 1) Dinkar Adinath Chavan, 2) Samadhan Namdeo Gore, 3) Samadhan @ Yogesh Vaijanath Nagtilak, 4) Ravindra Vaijanath Nagtilak, 5) Bharat Brahamadeo Wagh and 6) Navnath Balu Wagh in connection with CR No. 176/2017 registered with Pandharpur Taluka Police Station for the offences p/u/secs. 143, 147, 149, 323, 504, 506 of IPC, under Sec. 3(1)(r)(s), 3(1)(u), 3(1)(za-c), 3(2)(va), 6 of SC and ST (Prevention of Atrocities Act and under Sec.7(1)(d) of the Protection of Civil Rights Act, be released on bail on executing PR Bond in the sum of Rs.15,000/- (Rs. Fifteen thousand only) each with one local surety each in the like amount;
3. The applicants shall not tamper the evidence or attempt to influence or contact the first informant, witnesses or any person concerned with the case;
4. The applicants to co-operate with the conduct of the trial and attend the court on every date of hearing;
5. Accordingly application stands disposed of.
(Dictated and pronounced in open court)

(A. J. Patangankar)

Date- 6/9/2018

Additional Sessions Judge, Pandharpur

CERTIFICATE

I affirm that the contents of this PDF file Judgment is same word to word as per the original Judgment.

- (a) Name of the Stenographer :- R.G. Waghmare
- (b) Court :- Addl. Sessions Court, Pandharpur.
- (c) Judgment signed by P.O. on :- 6/9/2018
- (d) Judgment uploaded on :- 12/9/2018