

Order below Exh.4

1. The applicants No.1) Ramesh Anil Thite and 2) Satyam Angad Dhumal, apprehends their arrest in CR No.308/2017 registered with City Police Station for the offences p/u/secs. 452, 323, 504, 506 r/w 34 of I.P.C., under Sec. 3(1)(r),(s), 3(1)(u), 3(2)(va), 6 of SC and ST (Prevention of Atrocities) Act and under Sec. 7(1)(d) of 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 them in the alleged offence. They received summons from Court to appear before the Court. Charge-sheet is already filed. If they are released on bail they will not tamper prosecution evidence.

3. Prosecution has filed say at Exh.6 and resisted the application 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.

It is further contended that notice under Sec. 41A of Cr.P.C. was issued to the applicants but they did not co-operate the I.O. Charge-sheet is filed in the Court against the accused bearing Spl. Case No.78/2017.

4. Heard learned counsel for the applicants and learned APP for the state. I have also heard the original complainant namely Deelip Ganpatrao Kukade who submitted that to reject the

application of applicants. I have gone through the record.

5. On going through the charge-sheet it is seen that applicants are not arrested by the concerned police but issued them notice under Sec. 41A of Cr.P.C. But there is no evidence to show that they did not co-operate the police. As applicants are not arrested they submitted this application for pre-arrest bail. Roznama dated 6/8/2018 shows that first informant has opposed the said application. Therefore Ld. counsel for the applicants submits that applicants are having apprehension of arrest. It is seen that charge-sheet is already filed and investigation is completed. Moreover the allegations against applicants are that on 17/5/2017 at about 10.00 p.m. the applicants gave slaps on the cheeks of the first informant. Thereafter they entered in the house of first informant and gave abusive words on cast of first informant.

6. Considering all these facts I find no hesitation to allow the application mainly on the ground that applicants are not arrested by I.O. and simple notice was issued to them under Sec. 41A of Cr.P.C. and according to prosecution investigation is over but the first informant has opposed the application. Therefore according to Ld. counsel for the applicants apprehension of arrest is well founded. 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 No.1) Ramesh Anil Thite and 2) Satyam Angad Dhumal, in connection with CR No.308/2017 registered with City Police Station, Pandharpur for the offences p/u/secs.452, 323, 504, 506 r/w 34 of I.P.C., under Sec. 3(1)(r),(s), 3(1)(u), 3(2)(va), 6 of SC and ST (Prevention of Atrocities) Act and

under Sec. 7(1)(d) of 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- 8/10/2018

Additional Sessions Judge, Pandharpur

CERTIFICATE

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

- (a) Name of the Stenographer :- R.G. Waghmare
- (b) Court :- District Court, Pandharpur.
- (c) Judgment signed by PO. on :- 8/10/2018
- (d) Judgment uploaded on :- 9/10/2018