

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.4181 OF 2007

Uttam Tanaji Kurade & Ors. .. Applicants

Vs.

The State of Maharashtra .. Respondent

Mr.S.C.Halli i/b Mr.V.P.Patil for the applicants

Mr.D.P.Adrule, A.P.P. for the state

**CORAM : J.N.PATEL, J
VACATION COURT**

DATED : 27TH DECEMBER, 2007

P.C.:

1. Mentioned. Not on board.

2. Heard.

3. This is an application by a person who is suspected for having committed offence under sections 395, 143, 147, 148, 149, 452, 427, 323, 504, 506 of the Indian Penal Code on 26th September, 2007 which came to be registered vide

Crime Number 119 of 2007 at Narayangaon Police Station.

4. It is the case of the prosecution that the complaint came to be registered against the applicant as well as other suspects on a complaint filed by one Mr.Rahul Ramansheth Kakade alleging that on 26th September, 2007 at 6.15 p.m. one Dattatraya Kurade along with 20-25 persons entered his lodge and started abusing and shouting the Manager of the Hotel and demanded that Raju, the brother of the complainant be handed over to them so as to assault. The accomplices accompanying the prime suspect pelted stones on the lodge because of which the staff ran away. They damaged the lodge and it was found that sum of Rs.5,000/- was missing.

5. It is the case of the applicants that the co-accused in the case have been released on bail by the learned Sessions Court in Cri. M.A.2919 of 2007 on 6th October, 2007 which was after they came to be arrested. In so far as the applicants are concerned, they moved the court of Sessions for

pre-arrest bail which came to be rejected and hence, they have approached this court.

6. The learned counsel appearing for the applicants submits that the applicants are social workers of a social organisation which is non-political and the opponent is an active member of Nationalist Congress party led by Mr. Sharad Pawar and it is out of political rivalry that they have been falsely implicated in the case and that in case the applicants are not granted pre-arrest bail, their political career is at stake. It is further submitted that they have no criminal antecedents to their dis-credit.

7. Taking into consideration the facts of the case, this court is of the view that such persons do not deserve any sympathy from the court. This does not appear to be a case where the applicant and his associates have been framed out of political rivalry. Therefore, this court finds no reason why the applicants should not surrender and co-operate in the investigation of the case.

8. In so far as bail is concerned, they can always apply to the learned Magistrate or the Court of Sessions. Criminal Application is, therefore, rejected. Learned A.P.P. to communicate this order to the Superintendent of Police, (Rural), Pune as well as the Investigating Officer, Pune.

(J. N. Patel, J)