

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

ANTICIPATORY BAIL APPLICATION NO.1048 OF 2020

1. Tushar Dilip Ujgare
2. Kailas Dilip Ujgare
3. Sushant Shahadeo Ujgare
4. Rupesh Vasant Ujgare
5. Suresh Vasant Ujgare

... Applicants

Versus

The State of Maharashtra

... Respondent

.....
Mr. S. J. Salunke, Advocate for applicants.
Mr. S. Y. Mahajan, APP for respondent – State.

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CORAM : SMT. VIBHA KANKANWADI, J.

DATE : 09-12-2020

ORDER :

1. Present application has been filed by original accused Nos.1, 3 to 6 for getting anticipatory bail under Section 438 of the Code of Criminal Procedure, as they are apprehending their arrest in connection with Crime No.192 of 2020 dated 25-08-2020 registered with Wadvani Police Station, Dist. Beed for the offences punishable under Sections 395, 323, 506 of Indian Penal Code.

2. Heard learned Advocate Mr. S. J. Salunke for applicants and learned APP Mr. S. Y. Mahajan for respondent – State. In order to cut short it can be said

that both of them have made submissions in support of their respective contentions.

3. The first information report has been lodged by one Sharad Gorakh Jadhav on 25-08-2020 in respect of the incident that had taken place on 24-08-2020. It is stated that after his work was over, he was returning to his village Bahegavhan along with his servant Ravi Sawase on his motorcycle around 7.00 p.m. They were near Bhim Nagar, Wadwani, when they were intercepted by seven persons whose names have been narrated by him. It is stated that present applicant No.1 and original accused No.2 were holding knife. Present applicant No.2 was holding iron rod. Applicant No.1 – Tushar and original accused No.2 – Sonaji by showing knife, demanded money and gold ring from informant. When he refused, at that time, applicant No.2 assaulted him in his back by means of iron rod. Present applicant Nos.3 and 5 caught hold of the informant and original accused No.7 – Dilip caught hold of Ravi Surwase. At that time, applicant No.1 with original accused No.2 – Sonaji had forcibly taken his gold ring and Rs.4,000/- cash from the pocket of his pant. Amount of Rs.15,00/- was also snatched from the pocket of shirt of Ravi Sawase. They were again assaulted and threatened to kill if they disclosed the fact to anybody and thereafter, those persons fled away.

4. Taking into consideration the contents of the FIR, when this Court expressed disinclination to grant any relief to applicant Nos.1 and 2, learned

Advocate appearing for them, on instructions, sought withdrawal of the application. Accordingly, the said prayer can be accepted. Now, as regards applicant Nos.3 to 5 are concerned, the role attributed to them is that they had caught hold of the informant and his servant Ravi. It is not reported that there are any criminal antecedents of present applicant Nos.3 to 5 and, therefore, their liberty need not be curtailed. However, taking into consideration the fact that the investigation is still pending, in order to facilitate the investigation to progress, necessary conditions are required to be imposed on those applicants. Hence, following order.

ORDER

- I) Application stands partly allowed.
- II) Application stands disposed of as withdrawn as against applicant Nos.1 and 2.
- III) Application stands allowed in respect of applicant Nos.3 to 5.
- IV) The order passed by learned Additional Sessions Judge, Majalgaon in Criminal Miscellaneous Application No.322 of 2020 dated 28-09-2020 is hereby set aside only to the extent of present applicant Nos.3 to 5. The said application stands allowed accordingly.
- V) In the event of arrest of the applicants viz., (3) Sushant Shahadeo Ujgare, (4) Rupesh Vasant Ujgare and (5) Suresh Vasant Ujgare in connection with Crime No.192 of 2020, registered with Wadvani Police Station, District Beed for the offences punishable under Sections 395, 323

and 506 of Indian Penal Code, they be released on P. R. Bond of Rs.30,000/- with two sureties of Rs.15,000/- each.

VI) Applicant Nos.3 to 5 shall not tamper with the evidence of the prosecution in any manner and shall cooperate with the investigation.

VII) Applicant Nos.3 to 5 shall remain present before the Investigating Officer on every Thursday and Sunday between 11.00 a.m. to 2.00 p.m. till filing of charge-sheet.

VII) They shall not leave Beed district without the prior permission of learned Sessions Judge / Additional Sessions Judge till committal of charge-sheet and if required, the learned Sessions Judge / Additional Sessions Judge may consider of extending the said condition till conclusion of Trial.

[SMT. VIBHA KANKANWADI, J.]

scm