

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

**911 ANTICIPATORY BAIL APPLICATION NO.160 OF 2021
WITH APPLN/597/2021 IN ABA/160/2021**

KAILAS SHANKARRAO SHEWALE
VERSUS
THE STATE OF MAHARASHTRA

...
Advocate for Applicant : Shri Niteen V.Gaware
APP for Respondent State : Shri V.S.Badakh
Advocate for Applicant in Application No.597 of 2021 : Shri
A.D.Shinde

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CORAM : M.G.SEWLIKAR, J.

DATE: 22nd April, 2021

PER COURT:-

1. Heard.
2. This application is filed for anticipatory bail alleging that on 15-01-2021, the informant was allotted election duty i.e. the Chief of the Panel in the Gram Panchayat election held in the year 2020-2021 at village Pategaon, Tq.Karjat. On the same day at 7:00 p.m. the informant alongwith others had been to Laxminandan Hotel, Karjat. When they were having dinner, the applicant and other accused entered the hotel and clicked the photos of the informant and others. The informant, his son Rohit, one Satish Deokar, Police Officer Vicky Banduji Dehankar and driver of the informant namely Baba Survase were beaten by the applicant and others. During the incident, golden chain of the

informant worth Rs.2,40,000/- and a mobile handset of iPhone of black colour worth Rs.50,000/- were stolen. On these allegations, CR No.41 of 2021 came to be registered for the offence punishable under Sections 307, 395, 332, 325, 506 and 323 of the Indian Penal Code with Karjat Police Station, District Ahmednagar.

3. Shri N.V.Gaware, learned counsel for the applicant states that the applicant has no role to play in the alleged incident. The entire incident was shot by an unknown person and panchanama of said video footage is produced at page No.49 which shows that the applicant was infact pacifying the persons who were assaulting the informant and others.

4. Shri V.S.Badakh, learned APP for the respondent State argued that specific role is attributed to the applicant. He was present at the scene of the offence and supplementary statements of the witnesses recorded show that the applicant had pushed one of the witnesses during the ruckus. He, therefore, prayed for rejection of the application.

5. On perusal of the papers and the FIR, it is seen that video footage panchanama is produced. It shows that the applicant, one Satyajit Kadam and wife of Chandrasen Kadam were trying to pacify the persons who were assaulting. The Police papers

show that the only role ascribed to the applicant is of pushing of the witnesses from the chair. Shri Badakh, learned APP fairly conceded that except this evidence, there is no other evidence against the applicant.

6. Having regard to the evidence discussed above, it appears that custodial interrogation of the applicant is not necessary. In view of this, I am inclined to pass the following order:

ORDER

i) Anticipatory Bail Application No.160 of 2021 is allowed.

ii) In the event of arrest of the applicant in connection with CR No.41 of 2021 for the offence punishable under Sections 307, 395, 332, 325, 506 and 323 of the Indian Penal Code registered with Karjat Police Station, District Ahmednagar, the applicant be released on PR Bond of Rs.40,000/- with one solvent surety in the like amount and on condition that he shall not interfere in the investigation, he shall not pressurize the witnesses and he shall attend the concerned Police Station as and when required by the Investigating Officer to do so.

iii) Criminal Application No.597 of 2021 is allowed.

**(M.G.SEWLIKAR)
JUDGE**

SPT