

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

23 ANTICIPATORY BAIL APPLICATION NO.344 OF 2020

1]VINAY S/O. VAIBHAV KADAM

2]AJAY YOSEF KADAM

3] ABHAY YOSEF KADAM

VERSUS

THE STATE OF MAHARASHTRA

...

Advocate for Applicants : Gaware Niteen V.

APP for Respondent State: V.S.Badakh

...

WITH

ANTICIPATORY BAIL APPLICATION NO.343 OF 2020

VAIBHAV S/O YOSEF KADAM

VERSUS

THE STATE OF MAHARASHTRA

...

Advocate for Applicants : Gaware Niteen V.

APP for Respondent State: V.S.Badakh

...

CORAM : MANGESH S. PATIL, J.

DATE : 08.02.2021

PC. :-

These are applications by 4 different accused from Crime No.98/2020 registered with Loni Police Station, Dist. Ahmednagar for the offences punishable under Sections 307, 327, 326, 323, 143, 144, 148 and 149 of I.P.C.

2] Shortly stated the prosecution case is that grape orchard of the applicants got damaged when the informant put a fire on the common band

in order to burn grass. Feeling aggrieved the applicants are stated to have assaulted him and robbed him of cash, gold ornaments and mobile phone.

3] After this Court expressed its disinclination to grant anticipatory bail to applicants Ajay and Abhay, their learned advocate on instructions seeks leave to withdraw the application to their extent.

4] The learned advocate for the applicants would submit that going by the prelude to the incident, it was the informant who was the aggressor who had caused the grape vines to catch fire causing extensive damage to the orchard. A report was lodged but the police registered only a non-cognizable case under Section 427 of the I.P.C. To come out of the clutches false and concocted story is made up while lodging the F.I.R. Vague and omnibus role is attributed to the applicants. Conspicuously even the informant and his family members abused and assaulted the applicants, a separate F.I.R. was lodged invoking provisions of Atrocities Act.

5] The learned advocate would submit that the applicants have been protected by way of ad-interim relief. There are no allegations about they having committed breach of the terms and conditions. They are ready to cooperate the Investigating Officer and the applications to the extent of Vinay and Vaibhav may be allowed.

6] The learned A.P.P. opposes the applications. He submits that the offence is serious. There was a direct motive. Feeling annoyed by the action of the informant to cause damage to the grape orchard, applicants sharing a common intention have assaulted him and snatched away cash, mobile phone

and gold ring. Though the injuries are simple, the informant did sustain 3 simple injuries attributable to the applicants. The muddemal is to be recovered for which custodial interrogation of the applicants Vinay and Vaibhav is necessary.

7] I have carefully gone through the papers of the investigation. It does appear that when the informant set grass from the common band on fire, some grape wines from the grape orchard of the applicants' land were damaged. There is also record to show that immediately the matter was reported by the applicants to police but only a non-cognizable case was registered initially. This circumstance clearly indicates that there was some motive for the applicants to question/reprimand the informant.

8] Going by the allegations, the applicants Vinay and Vaibhav are attributed with some role. Vinay is stated to have assaulted the informant with an iron rod but since the injuries are simple, and when no specific and precise allegations are made against the applicant Vaibhav, ad-interim relief granted to them deserves to be confirmed with some terms and conditions.

9] The Anticipatory Bail Application No.344/2020 is partly allowed and Anticipatory Bail Application No.343/2020 is allowed.

10] In the event of arrest of applicants Vinay s/o Vaibhav Kadam and Vaibhav s/o Yosef Kadam in connection with Crime No.98/2020 registered with Loni Police Station, Dist. Ahmednagar for the offences punishable under Sections 307, 327, 326, 323, 143, 144, 147, 148, 149 of I.P.C. they shall be released on bail on their executing personal recognizance for an amount of

Rs.15,000/- (Rs.Fifteen thousand only) each and furnishing a solvent surety in the like amount each subject to following conditions :

a] They shall attend the concerned Police Station as and when called by the Investigating Officer and shall cooperate him.

B] They shall not tamper the evidence or influence the witnesses

11] Anticipatory Bail Application No.344/2020 to the extent of Ajay and Abhay stands disposed of as withdrawn.

[MANGESH S. PATIL, J.]

umg/