

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

ANTICIPATORY BAIL APPLICATION NO. 977 OF 2020

Sandeep @ Kadya Uttamrao Kharat,
 Age : 35 years, Occupation : Contractor,
 R/o: N-8, Cidco Azad Chowk,
 T.V. Center Road, Aurangabad .. Applicant

Versus

State of Maharashtra .. Respondent

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Mr. Joydeep Chatterji, Advocate for applicant
 Mr. V. M. Kangne, APP for respondent – State

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AND

ANTICIPATORY BAIL APPLICATION NO. 997 OF 2020

Shankar Ambadas Ghodke
 Age : 26 years, Occupation : Business,
 R/o: Madhuban Colony, Jalna,
 Taluqa and District Jalna .. Applicant

Versus

The State of Maharashtra
 Through Police Station Kadim, Jalna
 District Jalna .. Respondent

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Mr. Sudarshan J. Salunke, Advocate for applicant
 Mr. V.M. Kangne, APP for respondent – State

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AND

ANTICIPATORY BAIL APPLICATION NO. 1209 OF 2020

Nirant S/o Vasantrao Pattebahadur,
 Age : 28 years, Occupation : Business,
 R/o: Rupnagar, Ambad Chaufuli, Jalna,
 Taluqa and District Jalna .. Applicant

Versus

The State of Maharashtra
 Through Police Station Kadim, Jalna
 District Jalna .. Respondent

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Mr. Sudarshan J. Salunke, Advocate for applicant

Mr. V.M. Kangne, APP for respondent – State

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CORAM : MANGESH S. PATIL, J.

DATE : 24.06.2021

PER COURT :-

Heard.

2. These are separate applications by three accused from crime No. 355 of 2020 registered with Police Station Kadim Jalna, District Jalna for the offences punishable under Sections 307, 160, 188, 269, 270 of the Indian Penal Code (IPC) and Section 25 read with Section 4 of Arms Act, seeking bail in the event of their arrest.

3. The Police Inspector has lodged the First Information Report (FIR) alleging that on 23rd July 2020, while he was proceeding towards Police Station in his private car, as many as 20/30 persons were seen involved in some quarrel. When he stopped his car and was about to alight, they fled from the spot. Some of them went away in black Scorpio and three shots were fired by the persons travelling in the Scorpio. He called the Police and empty shell of a bullet was found on the spot.

4. After having heard the learned Advocates for the applicants and learned APP, when this Court expressed its disinclination to grant anticipatory bail to applicant in A.B.A.No. 977 of 2020 - Sandip @ Kadya Uttamrao Kharat, his learned Advocate, on instructions, seeks

leave to withdraw the application.

5. Learned Advocate Mr. Salunke for other applicants would submit that the applicants are being implicated on mere suspicion. There was no attempt on their part to kill anybody. It is the only offence punishable under Arms Act which is non-bailable one. The offences under IPC being invoked are bailable one. Custodial interrogation is not necessary. They have already been released on *ad-interim* anticipatory bail. There are no allegations of breach of any condition and they are co-operating the Investigating Officer and the *ad-interim* anticipatory bail may be confirmed.

6. Learned APP opposes the applications. He would submit that the FIR is not an encyclopedia. The Officer who lodged the FIR is not knowing the persons and is not supposed to know also. There is statement of an independent witness named Ravi Kachru Kharat, who has specifically stated about presence of these two applicants at the scene of crime. The offence being serious the application be rejected.

7. I have carefully gone through the copy of the charge-sheet made available by learned APP and perused the papers. Though rival groups seem to have indulged in some quarrel and some of them were armed with swords and even revolvers and though there are allegations about firing, the only piece of evidence available against these two applicants is statement of witness Ravi Kachru Kharat. A careful perusal

of the statement would reveal that though these applicants were seen by him accompanied by other accused, no specific overtact is attributed to them.

8. Considering the incident, when it was a quarrel between two groups, but none has been injured and revolvers have already been discovered by co-accused and no specific allegation about carrying arms is attributed to these two applicants, *ad-interim* anticipatory bail deserves to be confirmed with same terms and conditions.

9. Anticipatory Bail Applications No. 997 of 2020 and 1209 of 2020 are allowed. *Ad-interim* anticipatory bail granted by the orders dated 3rd November 2020 and 24th December 2020 respectively stands confirmed with same terms and conditions.

10. Anticipatory Bail Application No. 977 of 2020 is dismissed as withdrawn.

(MANGESH S. PATIL)
JUDGE