

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

916 ANTICIPATORY BAIL APPLICATION NO.1400 OF 2021

1. Rohit Popat Auti

2. Sunil @ Rahul Popat Auti

Both r/o Varkhed Mala, Parner,
Taluka Parner, Dist.Ahmednagar.

Applicants.

Versus

The State of Maharashtra

Respondent

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Mr. R.R. Karpe, Advocate for the applicants.
Mr. A.S. Shinde, A.P.P. for respondent - State.

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CORAM : **PRAKASH D. NAIK, J.**

DATE : 07-12-2021

ORDER :

1. This is an application for pre-arrest bail in Crime No.684 of 2021 registered with Parner Police Station, District Ahmednagar for the offences punishable under Sections 307, 326, 324, 364, 143, 147, 148, 149, 506 of Indian Penal Code and under Section 37 (1) (c), 135 of Maharashtra Police Act.

2. Complainant has alleged that on 29th September 2021, he received a call from Prathamesh Sumbe (accused No.1) who inquired with him whether he knows whereabouts of his sister who has eloped with Pappu Sinare. He also inquired about the whereabouts of Pappu Sinare. Complainant informed him that he do not know about whereabouts of Pappu Sinare and his sister. At about 6.30 p.m. while he was present at the hotel alongwith his

father and father-in-law, accused Prathamesh Sumbe visited his Dhaba and again inquired about Pappu Sinare. Accused No.1 then gave call to some persons and thereafter other accused came on two motorcycles. The names of the said accused were Rohit Auti, Sunil Auti (applicants), Vinayak Sonawane and Anil Rathod. All of them made inquiry about Pappya Sinare. Complainant informed that that he do not have any details about his whereabouts. He was told to accompany them. He was made to sit on motorcycle. He was taken to Varkhed Mala. He was threatened. He was assaulted. After some time other persons came in Swift car who were known to him. They were Lata Auti, Popat Auti, Vaibhav Auti, Shubham Vidhate, Rahul Auti, Babu Gandhade, Aniket Gawale, Akshay Rokde and Avinash Darekar. All of them made inquiry about Pappya Sinare and assaulted the complainant. Aniket Gawale picked up wooden log lying at the place of incident and gave blow on his head. Shubham Vidhate picked up blade and slashed his cheek. Sunil Auti and Rohit Auti caught him at his neck and tried to drown him in the bucket containing water. Others assaulted him with pipe and wooden stick. On hearing siren of police vehicle, accused fled from the place of incident.

3. Pursuant to registration of F.I.R. investigation proceeded. The first informant had named 15 persons as accused in the F.I.R. Accused No.1 Prathamesh Sumbe and accused No.2 Suraj Davbhat were arrested. Accused No.5 Vinayak Sonawane, accused No.6 Anil Rathod and accused No.7 Lata Auti were

arrested. Accused No.10 Shubham Vidhate was arrested. Accused Nos.2, 5, 6 and 7 were granted regular bail. Accused No.1 is minor. Accused No.10 is in custody. Accused Nos.11, 12 and 15 were granted anticipatory bail.

4. Learned Advocate for the applicant submitted that several other persons were granted regular bail or anticipatory bail. The persons who are allegedly involved in abduction of the complainant, were granted anticipatory bail. The person who has been attributed role of assaulting the victim by using blade, is in custody. Custodial interrogation of the applicants is not necessary.

5. Learned A.P.P. submitted that all the accused were involved in abducting the complainant and assaulting him by weapons. The offence is of serious nature. Complainant had sustained injuries. The role has been attributed to the applicants. They were involved in subjecting the complainant to assault and tried to drown him in the water contained in bucket.

6. From the tenor of F.I.R., it is apparent that the incident in question had occurred on account of the fact that the sister of accused No.1 had eloped with one Pappu Sinare. Accused were trying to trace the whereabouts of Pappu Sinare. In that regard accused No.1 had initially contacted the informant. Thereafter accused No.1 approached him and since he was not getting satisfactory information from the complainant, others also joined him. The person to whom the role of slashing the complainant with blade is attributed, is in custody. Several other persons were arrested and

granted regular bail. Some of them have granted anticipatory bail. The persons who are granted bail / anticipatory bail includes the persons who are amongst the accused. The distinction between the role attributed to them and the role attributed to the applicants is that the applicants had allegedly caught neck of the complainant and pushed his head in the water contained in bucket and tried to drawn him. The medical case papers indicate that the complainant had sustained head injury on account of physical assault. The history provided to the Medical Officer does not indicate that the accused tried to drawn the complainant in water. The case papers do not indicate any such symptoms. It is not reported that there are criminal antecedents against the applicants. In view of the above, relief can be granted to the applicants. Hence, the order

ORDER

- (i) ABA No. 1400 of 2021 is allowed.
- (ii) In the event of arrest of the applicants in connection with Crime No.684 of 2021 registered with Parner Police Station, District Ahmednagar, the applicants be released on bail on executing P.R. bond in the sum of Rs. 20,000/- each with one or more sureties in the like amount.
- (iii) The applicants shall report the Investigating Officer on 15.12.2021, 16.12.2021 and 17.12.2021 between 11.00 a.m. and 1.00 p.m. and thereafter as and when called for, till filing of the charge-sheet.
- (iv) The application stands disposed of.

(PRAKASH D. NAIK, J.)