

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

23 ANTICIPATORY BAIL APPLICATION NO.1453 OF 2021

1. KIRAN S/O. RAJENDRA @ BABASAHEB SHEWALE
2. GANESH KALYAN SHEWALE

VERSUS

THE STATE OF MAHARASHTRA

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Advocate for Applicants : Mr. R.R. Karpe
APP for Respondent/State : Mr. A.S. Shinde

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CORAM : PRAKASH D. NAIK, J.

DATED : 20/12/2021.

PER COURT :

1. First Information Report (for short, 'FIR') was registered on 16th January, 2021 with Karjat Police Station, Dist.Ahmednagar for offences under Sections 307, 395, 332, 325, 323 and 506 read with 34 of Indian Penal Code (for short, 'IPC').

2. The first informant has named around 26 persons in the FIR. It is alleged that about 52 to 75 persons were involved in this incident. There were elections of *Grampanchayat*. The complainant was panel in-charge. On 15.01.2021, several persons, who are named as accused in the FIR, they had visited the hotel. They assaulted the employees of the hotel. One of them was armed with *Gupti*. The complainant and others were assaulted by fist and kick blows. Gold

chain and cell phone of the complainant was taken away.

3. Applicants are not named in the FIR. From the order passed by the learned Sessions Judge, rejecting the application for anticipatory bail, it can be seen that applicants were allegedly shown to be involved by the other witnesses. From the FIR, it is apparent that the complainant has named several persons and majority of them were involved in fist and kick blows. The person, who was armed with weapon has been categorically named in the FIR.

4. Learned APP submitted that CCTV footage was recovered during the course of investigation which indicates the presence of the applicants at the scene of offence. The applicants have taken away cell phone of the complainant. They pulled the complainant which has resulted in fracture to his knee. There are eye witnesses to the incident.

5. The F.I.R. indicates that there were elections of *Grampanchayat*. The informant had named about 26 persons in the F.I.R. Several persons were allegedly involved in the incident. Three F.I.Rs. were registered in connection with the same incident. C.R. No.

41/2021 was lodged at the instance of complainant Shahaji Devkar in which applicants are accused. C.R. No. 43/2021 is lodged by one Ravindra wherein Shahaji Devkar is accused No. 1. C.R. No. 42/2021 was registered at the instance of police constable against Shahaji Devkar and his associates.

6. Thus, it appears that all the persons who were present at the scene of offence were involved in some way or other which has resulted in registration of different F.I.Rs. The complainant herein who is accused in another case had suffered fracture to his knee. There are no criminal antecedents against the applicants.

7. Considering the factual matrix as stated above, the applicant need not be subjected to custodial interrogation. Hence, I pass the following order.

ORDER

- i. ABA No. 1453/2021 is allowed.
- ii. In the event of arrest of applicants in Crime No. 041/2021 registered with Karjat Police Station, District Ahmednagar, the applicants be released on executing PR 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 28th, 29th and 30th December, 2021 between 11.00 a.m. to 1.00 noon and thereafter as and when called for by the Investigating Officer till the filing of the chargesheet.
- iv. The application is disposed of.

[PRAKASH D. NAIK, J.]

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