

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

ANTICIPATORY BAIL APPLICATION NO.34 OF 2022

NAGESH @ ATUL BALASAHEB SIRASKAR
VERSUS
THE STATE OF MAHARASHTRA

...

Advocate for Applicant : Mr. Shinde Dhananjay M.
APP for Respondent-State : Ms. Vaishali Patil Jadhav

...

WITH ABA/36/2022

MANIKRAO S/O PRAKASHRAO SIRASKAR
VERSUS
THE STATE OF MAHARASHTRA

...

Advocate for Applicant : Mr. Shinde Dhananjay M.
APP for Respondent-State : Ms. Vaishali Patil Jadhav

...

WITH ABA/46/2022

RAJESH SUDAMRAO SHINDE AND ANOTHER
VERSUS
THE STATE OF MAHARASHTRA

...

Advocate for Applicants : Mr. P. D. Bachate
APP for Respondent-State : Ms. Vaishali Patil Jadhav

...

WITH ABA/45/2022

SHARAD MUKUNDRAO SIRASKAR AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA

...

Advocate for Applicant : Mr. P. D. Bachate
APP for Respondent-State : Ms. Vaishali Patil Jadhav

...

WITH ABA/41/2022

DIGAMBAR KASHINATH KOKATE AND ANOTHER
VERSUS
THE STATE OF MAHARASHTRA

...

Advocate for Applicants : Mr. P. D. Bachate
APP for Respondent-State : Ms. Vaishali Patil Jadhav

...

WITH ABA/40/2022

GANESH MADHUKARRAO SIRASKAR AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA

...

Advocate for Applicants : Mr. P. D. Bachate
APP for Respondent-State : Ms. Vaishali Patil Jadhav

...

WITH ABA/37/2022

VILAS BHASKARRAO SHIRASKAR AND ANOTHER
VERSUS
THE STATE OF MAHARASHTRA

...

Advocate for Applicant : Mr. P. D. Bachate
APP for Respondent-State : Ms. Vaishali Patil Jadhav

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CORAM : SMT.VIBHA KANKANWADI, J.
DATE : 31-01-2022

PER COURT :

1. All the applicants are apprehending their arrest in connection with Crime No.285 of 2021, registered with Palam Police Station, District Parbhani, for the offence punishable under Section 307,

324, 326, 323, 337, 338, 143, 147, 148, 149, 504, 506 of Indian Penal Code, Section 135 of the Maharashtra Police Act, 1951, and Section 7 of the Criminal Law Amended Act, 1932.

2. It will not be out of place to mention here itself that after the disinclination is shown to grant any relief in respect of applicant No.1 in ABA No.45 of 2022, the learned Advocate appearing for him has withdrawn the said application to the extent of applicant No.1.

3. Heard learned Advocate Mr. D. M. Shinde and Mr. P. D. Bachate for applicants and learned APP Ms. Vaishali Patil Jadhav for respondent-State. In order to cut short, it is stated that all of them have made submissions in support of their respective contentions.

4. The FIR has been lodged by one Govind Ramrao Rokade whose relatives had contested Palam Nagar Panchayat election of which for 13 wards the process of voting ended on 21-12-2021. However, he states that the rival political party had dispute with the party of the informant, and there was heat exchange of words between him and one Digamber Kokate on 17-12-2021. He then states that around 04.30 p.m. on 22-12-2021, when his cousin brother Vaibhav Gulabrao Rokade was near mini bus stand, Palam, he was asked by

accused Gangadhar and Mangesh as to why he has campaigned for one Balashaeb Rokade. They had assaulted him. Then said Vaibhav told the said incident to the informant and others and according to the informant, thereafter, they all went around 05.00 p.m. on 22-12-2021 to 'Siraskar Galli' in order to ask as to why those persons had assaulted Vaibhav. Thereafter, in all 26 named persons and 60 to 65 other persons came together and assaulted the informant and others. They had also made allegation as to why they were raising false allegations against those persons who are now named as accused. It is then stated that accused Vasant Kaka Siraskar had caught hold of the right hand of informant and made him to bend. Thereafter, applicant No.1 in ABA No.45 of 2022 had given blow of 'Katti' on the head of informant causing him injury. It is also alleged that accused Pawan Siraskar and Pralhad Siraskar had assaulted the informant on his left hand by wooden stick. Accused Pandurang and Laxman had assaulted him on his left hand, chin by wooden stick. Some other had assaulted the brother of the informant.

5. The say of the Investigating officer as well as it was the say of learned APP that the law and order situation had become worst as it was the election time. Physical custody of the accused is necessary.

6. As aforesaid, it can be seen from the contents of the FIR that specific role is attributed to certain applicants only. As regards those applicants, except Sharad Mukundrao Siraskar, it is stated that they had either manhandled the informant or assaulted informant and others by stick and caused covert injury. It is earlier stated that one of the injured has gone to Hyderabad for taking treatment, however, the persons who caused those injuries, is not before this Court in these applications.

7. Perusal of the First Information Report Crime No.285 of 2021 dated 23-12-2021, lodged by one Govind Ramrao Rokade for the offence punishable under Section 307, 324, 326, 323, 337, 338, 143, 147, 148, 149, 504, 506 of Indian Penal Code, Section 135 of the Maharashtra Police Act, 1951, and Section 7 of the Criminal Law Amended Act, 1932 in which the present applicants are apprehending their arrest, would disclose that it is prior in time to the alleged cross complaint i.e. Crime No.288 of 2021 which is lodged on 25-12-2021 with the same police station for the offence punishable under section 307, 324, 326, 323, 337, 338, 143, 147, 148, 149, 504, 506 of the Indian Penal Code and Section Section 135 of the Maharashtra Police Act, 1951, Section 7 of the Criminal

Law Amended Act, 1932.

8. Taking into consideration the role attributed to the present applicants (except applicant No.1 Sharad in ABA No.45 of 2022) at the most the offence under Section 324 of the Indian Penal Code and other sections but not under Section 326 or 307 of Indian Penal Code can be said to be attracted, and therefore, their physical custody may not be required for the purpose of investigation, as well the purpose would be served if attendance is given.

9. It appears that the applicants have abided by the terms of the bail, and under such circumstances, the interim protection granted earlier to the applicants deserve to be confirmed. Hence, following order.

ORDER

1) ABA Nos.34 of 2022, 36 of 2022, 46 of 2022, 41 of 2022, 40 of 2022 and 37 of 2022 are hereby allowed.

2) ABA No.45 of 2022 is also allowed to the extent of applicants No.2 to 4 only.

3) The interim protection granted by this Court on 14-01-2022 to the present applicants is hereby confirmed. In other words, in the event of arrest of applicants Nagesh @ Atul Balasaheb Siraskar, Manikrao Prakashrao Siraskar, Rajesh s/o

Sudamrao Shinde, Vasantao s/o Ambadasrao Shiraskar, Vinayak s/o Vasantao Shiraskar, Prabhakar s/o Sadashivrao Shiraskar, Gangadhar s/o Wamanrao Shiraskar, Digambar s/o Kashinath Kokate, Pandurang s/o Dnyandev Siraskar, Ganesh s/o Madhukarrao Siraskar, Vaibhav s/o Panditrao Siraskar, Jivan s/o Manikarao Siraskar, Ajay s/o Namdevrao Siraskar, Govind s/o Ashokrao Siraskar, Mangesh s/o Madhukar Siraskar, Anil s/o Prabhakar Siraskar, Vilas s/o Bhaskarrao Shiraskar and Ajay s/o Madhukarrao Shiraskar, in connection with Crime No.285 of 2021, registered with Palam Police Station, District Parbhani, they be released on PR of Rs.30,000/- each (thirty thousand) with one or two sureties of like amount.

- 4) They shall not tamper with the evidence of the prosecution in any manner.
- 5) They shall not indulge in any criminal activity.
- 6) They should remain present before the Investigating Officer on every Wednesday between 11.00 a.m. to 02.00 p.m. till filing of charge-sheet.

(SMT. VIBHA KANKANWADI)
JUDGE

vjg/-.