

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

ANTICIPATORY BAIL APPLICATION NO.115 OF 2022

GAJANAN GANESHRAO ROKADE
VERSUS
THE STATE OF MAHARASHTRA

...

Advocate for Applicant : Mr. S. J. Salunke
APP for Respondent-State : Ms. Vaishali Patil Jadhav

...

WITH ABA/53/2022

GANESHRAO YADAVRAO ROKADE
VERSUS
THE STATE OF MAHARASHTRA

...

Advocate for Applicant : Mr. S. J. Salunke
APP for Respondent-State : Ms. Vaishali Patil Jadhav

...

WITH ABA/78/2022

BALASAHEB GANESHRAO ROKADE AND ANOTHER
VERSUS
THE STATE OF MAHARASHTRA

...

Advocate for Applicants : Mr. S. J. Salunke
APP for Respondent-State : Ms. Vaishali Patil Jadhav

...

WITH ABA/81/2022

NITIN NANDKUMAR ROKADE
VERSUS
THE STATE OF MAHARASHTRA

...

Advocate for Applicant : Mr. S. G. Kawade
APP for Respondent-State : Ms. Vaishali Patil Jadhav

...

CORAM : SMT.VIBHA KANKANWADI, J.
DATE : 11-02-2022

PER COURT :

1. All the applicants are apprehending their arrest in connection with Crime No.288 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. Heard learned Advocate Mr. S. J. Salunke and Mr. S. G. Kawade 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.

3. The FIR has been lodged by one Krushna Chandrakant Siraskar 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 Gangadhar, Mangesh and Vaibhav Rokade on 22-12-2021 near Mini Bus Stand. He then states that around 05.00 p.m.

on 22-12-2021, he himself and from his side others went to ask about the abuses to Rokade group at Rokade Galli. Thereafter, in all 28 named persons and 20 to 25 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. At that time scuffle took place there. They had assaulted informant and others. One Govind Rokade assaulted informant by iron rod on his head, and caused bleeding injury near left eye. It is then stated that one Vaibhav Rokade assaulted Nagesh Siraskar by rod and caused him injury. Gopal Rokade assaulted Pralhad Siraskar and Pandurang Siraskar by wooden stick. Some other had pelted stones on their side.

4. 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.

5. 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, it is stated that they had either manhandled the informant and others or assaulted informant and others by stick and caused covert injury. The persons who caused grievous injuries, are

not before this Court in these applications.

6. 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 released on anticipatory bail, would disclose that it is prior in time to the alleged cross complaint i.e. present 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.

7. Taking into consideration the role attributed to the present applicants at the most the offence under Section 324 of the Indian Penal Code and other section attracts 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.

8. 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.115 of 2022, 53 of 2022, 78 of 2022, and 81 of 2022 are hereby allowed.
- 2) The interim protection granted by this Court on 01-02-2022 to the present applicants is hereby confirmed. In other words, in the event of arrest of applicants Gajanan s/o Ganeshrao Rokade, Ganeshrao s/o Yadavrao Rokade, Balasaheb s/o Ganeshrao Rokade, Laxman s/o Yadavrao Rokade, and Nitin s/o Nandkumar Rokade, in connection with Crime No.288 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.
- 3) They shall not tamper with the evidence of the prosecution in any manner.
- 4) They shall not indulge in any criminal activity.
- 5) 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/-.