

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

ANTICIPATORY BAIL APPLICATION NO.80 OF 2022

NITIN S/O NANDKUMAR ROKADE
VERSUS
THE STATE OF MAHARASHTRA

...

Advocate for Applicant : Mr. S. G. Kawade
APP for Respondent-State : Mr. N. T. Bhagat

...

WITH ABA NO.84 OF 2022

LAXMAN YADAVRAO ROKADE
VERSUS
THE STATE OF MAHARASHTRA

...

Advocate for Applicant : Mr. S. J. Salunke
APP for Respondent-State : Mr. N. T. Bhagat

...

WITH ABA/35/2022

MANIKRAO PRAKASHRAO SIRASKAR
VERSUS
THE STATE OF MAHARASHTRA

...

Advocate for Applicant : Mr. Shinde Dhananjay M.
APP for Respondent-State : Mr. N. T. Bhagat

...

WITH ABA/42/2022

VINAYAK VASANTRAO SIRASKAR AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA

...

Advocate for Applicant : Mr. P. D. Bachate
APP for Respondent-State : Mr. N. T. Bhagat

...

WITH ABA/43/2022

AJAY NAMDEVRAO SIRASKAR AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA

...

Advocate for Applicant : Mr. P. D. Bachate
APP for Respondent-State : Mr. N. T. Bhagat

...

WITH ABA/52/2022

BHARAT PRABHAKAR SIRASKAR AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA

...

Advocate for Applicant : Mr. S. G. Kawade
APP for Respondent-State : Mr. N. T. Bhagat

...

WITH ABA/44/2022

PANDURANG DNYANDEV SIRASKAR
VERSUS
THE STATE OF MAHARASHTRA

...

Advocate for Applicant : Mr. P. D. Bachate
APP for Respondent-State : Mr. N. T. Bhagat

...

WITH ABA/47/2022

VASANTRAO AMBADASRAO SIRASKAR
VERSUS
THE STATE OF MAHARASHTRA

...

Advocate for Applicant : Mr. P. D. Bachate
APP for Respondent-State : Mr. N. T. Bhagat

...

WITH ABA/55/2022

VIJAY BAPURAO GHORPADE
VERSUS
THE STATE OF MAHARASHTRA

...

Advocate for Applicant : Mr. S. J. Salunke
APP for Respondent-State : Mr. N. T. Bhagat

...

WITH ABA/66/2022

BALASAHEB GANESHRAO ROKADE
VERSUS
THE STATE OF MAHARASHTRA

...

Advocate for Applicant : Mr. S. J. Salunke
APP for Respondent-State : Mr. N. T. Bhagat

...

WITH ABA/116/2022

GAJANAN GANESHRAO ROKADE
VERSUS
THE STATE OF MAHARASHTRA

...

Advocate for Applicant : Mr. S. J. Salunke
APP for Respondent-State : Mr. N. T. Bhagat

...

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

PER COURT :

1. All the applicants are apprehending their arrest in connection with Crime No.284 of 2021, registered with Palam Police Station, for the offence punishable under Section 307, 323, 324, 353, 332, 143,

147, 148, 149, 186, 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. D. M. Shinde, Mr. P. D. Bachate, Mr. S. G. Kawade, Mr. S. J. Salunke for applicants and learned APP Mr. N. T. Bhagat 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 PSI Vinod Nagnath Sane, attached with Palam Police Station. He states that he is attached to Palam Police Station since last about two years and he has noticed that there used to be quarrels between two groups, one of Rokade and another of Siraskar. After the election process was completed on 21-12-2021, it triggered the dispute between Rokade group and Siraskar group. He received information that both the groups have come together armed with sticks, and therefore, there is possibility of untoward incident. Informant went with his police staff to the place. He asked one Gajanan Rokade as to why he has collected the boys. At that time it was informed that one Mangesh and five to six persons had abused Vaibhav Rokade and assaulted him at about

03.30 to 04.00 p.m., and therefore, his group has come to teach lesson to the other group. Informant told that they should not indulge in dispute. He found that there were 27 named persons from Rokade group and 20 to 30 from other side and those persons were shouting that they will not leave Siraskar and they would be killed. Police were trying to get control over the mob. At that time Vasant Kaka Siraskar and one person came there. Balasaheb Rokade and Gajanan Rokade were asking Vasant Kaka that as to why the dispute has arisen. At that time certain persons from Siraskar group, who were armed with sticks, were coming towards the mob and the police. They were also abusing. Both the groups had not listened to the appeal by the police and started beating each other. It is then stated that some police staff received the injuries due to pelting of stones and assault by sticks. Gajanan Rokade received injury to his head and right eyebrow. Certain other persons had received covert injuries.

4. It will not be out of place to mention here that two other offence vide Crime No.285 of 2021 and 288 of 2021 have been lodged on 25-12-2021 with the same police station by the group member against each others group, in respect of the same incident.

As regards applicants are concerned, it is stated that they were part of mob which rushed towards police who were asking them to clam down. It is then stated that those persons who had come from Siraskar Galli, they were shouting that if police come in between them, then they should also be eliminated. These allegations in respect of entire mob and it is then stated that the mob was armed with sticks and stones. The mob pelted stones towards police also causing injury to three to four police persons and also to the rival party. Thus, apart from the presence of the applicants and alleged action collectively by the mob, the offence has been registered, 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.

5. 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 sections but not under Section 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. This Court had already granted interim protection to the applicants by order dated

14-01-2022 and 21-01-2022 and that order deserves to be confirmed as the applicants have abided by the terms of the bail. Hence, following order.

ORDER

- 1) ABA Nos.80 of 2022, 84 of 2022, 35 of 2022, 42 of 2022, 43 of 2022, 52 of 2022, 44 of 2022, 47 of 2022, 55 of 2022, 66 of 2022.
- 2) The interim protection granted by this Court on 14-01-2022 as well as on 21-01-2022 to the present applicants is hereby confirmed. In other words, in the event of arrest of the applicants Nitin s/o Nandkumar Rokade, Laxman s/o Yadavrao Rokade, Manikrao s/o Prakashrao Siraskar, Vinayak s/o Vasantryao Siraskar, Prabhakar s/o Sadashivrao Siraskar, Gangadhar s/o Wamanrao Siraskar, Vishal s/o Vasantryao Siraskar, Ajay s/o Namdevrao Siraskar, Ganesh s/o Madhukarrao Siraskar, Jivan s/o Manikrao Siraskar, Anil Prabhakar Siraskar, Mangesh s/o Madhukar Siraskar, Chaitanya s/o Bhagwanrao Siraskar, Bharat s/o Prabhakar Siraskar, Parameshwar s/o bhagwanrao Siraskar, Angad s/o Digambar Sirakar, Chakradhar s/o Ganeshrao Siraskar, Pandurang s/o Dnyandev Siraskar, Vasantryao s/o Ambadasrao Siraskar, Vijay s/o Bapurao Ghorpade, and Balasaheb Ganeshrao Rokade, in connection with Crime No.284 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) ABA No.116 of 2022 is also hereby allowed.
- 4) In the event of arrest of applicant Gajanan Ganeshrao Rokade, in connection with Crime No.284 of 2021, registered with Palam Police Station, District Parbhani, he be released on PR of Rs.30,000/- each (thirty thousand) with one or two sureties of like amount.
- 5) The applicants shall not tamper with the evidence of the prosecution in any manner.
- 6) They shall not indulge in any criminal activity.
- 7) They should remain present before the Investigating Officer on every Friday between 11.00 a.m. to 02.00 p.m. till further orders.

(SMT. VIBHA KANKANWADI)
JUDGE

vjg/-.