

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

**913 ANTICIPATORY BAIL APPLICATION NO.232 OF 2022
WITH
CRIMINAL APPLICATION NO.1016 OF 2022**

VEDANT DATTU CHAUDHARI

VERSUS

THE STATE OF MAHARASHTRA

...

Mr. S.E. Shekade, Advocate for the applicant

Mrs. V.N. Patil-Jadhav, APP for the respondent

Mr. R.B. Deshpande, Advocate for assist to PP

...

WITH

**ANTICIPATORY BAIL APPLICATION NO.233 OF 2022
WITH
CRIMINAL APPLICATION NO.1017 OF 2022**

DATTU GAJARAM CHAUDHARI

VERSUS

THE STATE OF MAHARASHTRA

...

Mr. S.E. Shekade, Advocate for the applicant

Mrs. V.N. Patil-Jadhav, APP for the respondent

Mr. R.B. Deshpande, Advocate for assist to PP

...

CORAM : SMT. VIBHA KANKANWADI, J.

DATE : 16th MARCH, 2022

ORDER :

1 Criminal Application No.1016 of 2022 and Criminal Application No.1017 of 2022 moved for assist to PP stand allowed and disposed of.

2 Both the applicants are apprehending their arrest in connection with Crime No.27/2022 dated 15.01.2022 registered with Ahmednagar Taluka Police Station, Dist. Ahmednagar, for the offence punishable under Section 307, 143, 147, 148, 149, 323, 504, 506 of the Indian Penal Code, 1860 and under Section 4, 25 of the Arms Act, 1159.

3 Heard learned Advocate Mr. S.E. Shekade for the applicants and learned APP Mrs. V.N. Patil-Jadhav, well assisted by learned Advocate Mr. R.B. Deshpande for the informant, in both matters. In order to cut short, it can be said that they have argued in support of their respective contentions.

4 Perusal of the First Information Report would show that it is lodged on 15.01.2022 by informant Mahadeo Balasaheb Amrute in respect of an incident that had allegedly taken place at 11.00 a.m. on 14.01.2022. He has stated that when he was proceeding on motorcycle, five persons from Swift car got down by obstructing his way. Accused No.1 Shubham had assaulted him by sword on his back, accused Ajinath had assaulted him on

right leg with scythe, accused Vishal had assaulted him by rod on his back and hand, accused Sambhaji had then assaulted him by kicks and fist blows and accused Namdeo had assaulted him by scythe on his knee. They were abusing him and stating that he should be killed. At that time, two motorcycles came, on which there were four persons including the present two applicants. They abused the informant and instigated the accused persons, who had assaulted him, by saying that he should be assaulted on neck and should not be left alive. When the informant was shouting, two persons came running and, therefore, these persons left the spot. The informant was then taken to Pandit Hospital, where he was treated. No doubt, it appears that the informant has sustained severe injuries. However, the informant has not stated as to what was the reason for the present applicants to get involved in the quarrel. In the First Information Report he has stated that there were quarrels between accused Shubham and the informant's cousin Rahul Pimple and because of the intervention or mediation by the informant that quarrel had subsided. If that quarrel had subsided, then, what was the reason for said accused Shubham to assault the informant. Further, how the informant was knowing the present applicants is also not made clear. In the application to assist to PP also we do not find any such background. Now, as regards the present applicants are concerned, nothing is required to be seized at their instance. The allegation is in respect

of instigation. Definitely, it would take long time for collecting the evidence and filing of charge sheet and then to stand the trial. Therefore, the applicants, who are having permanent place of abode and there is no criminal antecedents against them, deserve to be released on anticipatory bail. This Court has granted interim protection to the applicants. That interim protection deserves to be confirmed. Accordingly, it is confirmed. Hence, following order.

ORDER

1 Both the Anticipatory Bail Applications stand allowed.

2 The ad-interim protection, granted by this Court earlier to applicants vide order dated 01.03.2022, is hereby confirmed and made absolute. In other words, if the applicants are not formally arrested, in the event of arrest of the applicant viz. **Vedant Dattu Chaudhari** (in A.B.A. No.232 of 2022) and applicant viz. **Dattu Gajaram Chaudhari** (in A.B.A. No.233 of 2022), in connection with Crime No.27/2022 dated 15.01.2022 registered with Ahmednagar Taluka Police Station, Dist. Ahmednagar, for the offence punishable under Section 307, 143, 147, 148, 149, 323, 504, 506 of the Indian Penal Code, 1860 and under Section 4, 25 of the Arms Act, 1159, they be released on P.R. of Rs.30,000/- (Rupees Thirty Thousand only) each

with two solvent sureties of Rs.15,000/- (Rupees Fifteen Thousand only) each.

3 Applicants shall not indulge in any criminal activity nor shall tamper with the prosecution evidence, in any manner.

4 They should cooperate with the investigation and shall remain present before the Investigating Officer on every Monday and Thursday, between 10.00 a.m. to 12.00 noon, till filing of charge sheet.

5 Criminal Application No.1016 of 2022 and Criminal Application No.1017 of 2022 stand disposed of.

(Smt. Vibha Kankanwadi, J.)

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