

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

933 ANTICIPATORY BAIL APPLICATION NO.366 OF 2022

DHANANJAY @ SAMBHAJI SHIVAJI JAMDADE AND ANOTHER

VERSUS

THE STATE OF MAHARASHTRA

...

Mr. E.S. Murge, Advocate for applicants

Mr. V.M. Kagne, APP for the respondent

...

CORAM : SMT. VIBHA KANKANWADI, J.

DATE : 05th MAY, 2022

ORDER :

1 The applicants are apprehending their arrest in connection with Crime No.48/2022 dated 18.02.2022, registered with Tuljapur Police Station, Dist. Osmanabad, for the offence punishable under Section 353, 323, 504, 506 read with Section 34 of the Indian Penal Code, 1860.

2 Heard learned Advocate Mr. E.S. Murge for applicants and learned APP Mr. V.M. Kagne for the respondent. In order to cut short, it can be said that they have argued in support of their respective contentions.

3 The First Information Report has been lodged by one Dattatraya

Rambhau Salunke, who is the Head of Encroachment Removal Department of Municipal Council, Tuljapur. The contents of the First Information Report show that some incident had taken place at the place where the encroachment is alleged to have been made by the present applicants in front of their shops. That incident had allegedly taken place at 11.00 a.m. on 14.02.2022, but the informant himself says that he had not lodged any report about that incident, though he and his team was frightened. But then he says that at about 1.00 to 1.15 p.m. on 16.02.2022 he and his colleagues were working in the Cleaning Department of Municipal Council. The present applicants went there, abused them, used criminal force by putting down official registers, which were kept on the table, and thereafter they gave threat to cut the hands and legs of the informant and his team. The applicants have produced disability certificate issued by the Government of Maharashtra in respect of both of them. They have physical disability. Further, though the alleged second incident is stated to have taken place on 16.02.2022; yet, the First Information Report is lodged on 18.02.2022. This shows that something has happened, but whether it was as per the contents of the First Information Report, is definitely required to be seen. Nothing is required to be recovered from the applicants. Substantial part of the investigation appears to be over. The Statements of the witnesses have been recorded, who appear to be mainly the Municipal Council employees and,

therefore, there is less likely that there would be tampering with the evidence of the prosecution.

4 This Court had granted interim protection to the applicants by order dated 28.03.2022 and they have abided by the same and, therefore, the said order deserves to be confirmed. Accordingly, it is confirmed. Hence, the following order.

ORDER

1 Application stands allowed.

2 The ad-interim protection, granted by this Court earlier to applicants vide order dated 28.03.2022, is hereby confirmed and made absolute. In other words, if the applicants are not formally arrested, in the event of arrest of the applicants viz. **1) Dhananjay @ Sambhaji Shivaji Jamdade and 2) Pandurang Digambar Naikwadi**, in connection with Crime No.48/2022 dated 18.02.2022, registered with Tuljapur Police Station, Dist. Osmanabad, for the offence punishable under Section 353, 323, 504, 506 read with Section 34 of the Indian Penal Code, 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 they should tamper with the evidence of the prosecution, in any manner.

4 Applicants shall cooperate with the investigation and should remain present before the Investigating Officer as and when called.

(Smt. Vibha Kankanwadi, J.)

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