

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

916 ANTICIPATORY BAIL APPLICATION NO.410 OF 2022

ADESH SUBHASH SURYAWANSHI AND OTHERS

VERSUS

THE STATE OF MAHARASHTRA

...

Mr. Y.S. Choudhary, Advocate for applicants

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

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CORAM : SMT. VIBHA KANKANWADI, J.

DATE : 22nd APRIL, 2022

ORDER :

1 The applicants are apprehending their arrest in connection with Crime No.247/2021 dated 14.08.2021 registered at Supa Police Station, Dist. Ahmednagar, for the offence punishable under Section 147, 143, 148, 149, 326, 324 of the Indian Penal Code, 1860.

2 Heard learned Advocate Mr. Y.S. Choudhary 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 Perusal of the First Information Report would show that it has

been lodged by one Krishna Dattatraya Fopse on 14.08.2021 in respect of an incident alleged to have taken place in the intervening night of 12.08.2021 to 13.08.2021 and it is against unknown persons. The informant and his colleagues were sleeping at the construction site and at that time about eight unknown persons came having iron rod in their hands. They assaulted the informant and other persons. At that time the informant and others told them that they should not be assaulted, if they want they would give money and mobile and the other assailants told that these persons should be assaulted more. Then the informant and others fled from the said place, however, their mobiles were at the said place. But it appears that none of the valuable items were stolen or extorted by those persons.

4 From the contents of the First Information Report it appears that none of the articles were seized from the applicant and his colleagues. Under such circumstance, whether it would attract the provisions of Section 395 or 397 of the Indian Penal Code, is a question. But, no doubt, the informant and others had sustained multiple injuries and especially the informant had sustained grievous injury. Other two persons also sustained fractures.

5 Police papers show that one Mayur Bhanudas Barde came to be arrested on 09.09.2021 and during his interrogation he revealed the names

of the present applicant as well as co-accused. It has been now pointed out by the learned Advocate for the applicants that co-accused similarly situated by name Navnath Sampat Shinde, Navnath Sampat Pawar and Gorakh Sampat Pawar have been granted anticipatory bail by the learned Additional Sessions Judge, Ahmednagar on 23.02.2022 and 27.10.20221 respectively. Inspite of the said fact why on 11.02.2022 the application filed by the present applicants came to be rejected is beyond understanding. All these applications have been decided by the same Presiding Officer. Therefore, taking into consideration the evidence that has been collected and uptill now even in respect of those, who have been released under Section 439 as well as 438 of the Indian Penal Code is concerned, no identification parade has been held. The applicants deserve to be released on anticipatory bail.

ORDER

1 Application stands allowed.

2 In the event of arrest of applicants viz. **1) Adesh Subhash Suryawanshi, 2) Kiran Sunil Barde, 3) Ajay Sunil Barde and 4) Sangram Anil Barde** in connection with Crime No.247/2021 dated 14.08.2021 registered at Supa Police Station, Dist. Ahmednagar, for the offence punishable under Section 147, 143, 148, 149, 326, 324 of the Indian Penal Code, 1860, they be

released on P.B. and S.B. 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 shall remain present before the Investigating Officer as and when required.

(Smt. Vibha Kankanwadi, J.)

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