

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

ANTICIPATORY BAIL APPLICATION NO.773 OF 2022

1. Namdeo Dagduba Kendre,
 2. Nivratti Shivaji Kendre,
 3. Bhagwat Ashruba Kendre,
 4. Govind Ashruba Kendre,
 5. Rahul Balasaheb Kendre,
 6. Ashok Namdeo Kendre,
 7. Kantilal Nivratti Kendre,
 8. Abhishek Ashok Kendre,
 9. Dnyaneshwar Bandu Kendre,
 10. Digambar Dattu Kendre,
 11. Anil Kisan Kendre .. Applicants
- Versus
- The State of Maharashtra .. Respondent

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Mr. Sudarshan J. Salunke, Advocate for Applicants
 Mr. V. S. Choudhari, APP for Respondent / State

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APPLN/2196/2022 IN ABA/773/2022

- Laxman s/o. Bhimrao Kendre .. Applicant
- Versus
1. State of Maharashtra
 2. Namdeo Dagduba Kendre,
 3. Nivratti Shivaji Kendre,
 4. Bhagwat Ashruba Kendre,
 5. Govind Ashruba Kendre,
 6. Rahul Balasaheb Kendre,
 7. Ashok Namdeo Kendre,
 8. Kantilal Nivratti Kendre,
 9. Abhishek Ashok Kendre,
 10. Dnyaneshwar Bandu Kendre,
 11. Digambar Dattu Kendre,
 12. Anil Kisan Kendre .. Respondents

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Mr. Rajendra G. Hange, Advocate for Applicant
 Mr. V. S. Choudhari, APP for Respondent No.1 / State
 Mr. Sudarshan J. Salunke, Advocate for Respondents No.2 to 12

CORAM : S. G. MEHARE, J.

DATE : 07-07-2022

PER COURT :-

1. After hearing the learned Counsel for the applicants and learned APP for the respondent / State extensively, this Court has expressed opinion that except applicants No. (1) Namdeo Dagduba Kendre (3) Bhagwat Ashruba Kendre, (6) Ashok Namdeo Kendre and (11) Anil Kisan Kendre, other applicants – co-accused are not entitled to anticipatory bail. On instructions, learned counsel wish to withdraw the bail application for applicants No. 2, 4, 5 and 7 to 10. Leave granted.

The application of applicants No. 2, 4, 5 and 7 to 10 stands dismissed of as withdrawn.

2. So far as the applicants - (1) Namdeo Dagduba Kendre (3) Bhagwat Ashruba Kendre, (6) Ashok Namdeo Kendre and (11) Anil Kisan Kendre are concerned, it is vehemently argued by the learned counsel for the applicants that present report is political vengeance. The villagers have lodged the report against illegal business of village Panchayat. The huge amount was misappropriated and the operator of Gram Rojgar Sevak was terminated and also imposed the penalty by the Collector for his misdeeds. It has been vehemently argued by the learned counsel for the applicants that there is delay in lodging first information report and there are counter reports. It has also been vehemently

argued that the injuries suffered by the applicants are not serious. But, only to involve the applicants, they have been named in the FIR. Therefore, they may be released on bail.

3. Learned A.P.P. has strongly opposed the application contending that the FIR lodged by Laxman Bhimrao Kendre and Bhimrao Kendre are different persons from the persons those have been claimed that they have lodged the report. It has also been argued that all the accused have played active role. The injured was mercilessly beaten. The injured has no business with village panchayat though his father is a Sarpanch. The first informant - injured is doing a private job. Only few of the weapons were seized from the spot of incident. The huge number of weapons have been used in the crime, therefore, recovery of weapons is essential. The medical report shows that the injury suffered by the complainant is grievous. Therefore, the applicants may not be granted bail.

4. This Court, after having gone through the entire papers and considering the facts, has expressed the opinion as stated above. So far as the applicants No. (1) Namdeo (3) Bhagwat (6) Ashok and (11) Anil are concerned, the allegation against them is that, they caught hold the hand of the first informant. The allegations against the applicant Rahul are that he has beaten the injured

with kicks and blows and applicant-accused Anil has thrown chilly powder only. Considering their role, this Court is of the view that custodial interrogation is not essential. Therefore, in view of the above observation, they are entitled to the protection.

5. Hence, the following order -

i) In the event of arrest, applicants No. (1) Namdeo Dagduba Kendre (3) Bhagwat Ashruba Kendre, (6) Ashok Namdeo Kendre and (11) Anil Kisan Kendre be released on interim bail till the next date, on furnishing P.B. and S.B. of Rs.15,000/- (Rupees Fifteen Thousand) each with one solvent surety of the like amount, in C.R.No. 76 of 2022, registered with Police Station, Dharur, District Beed, for the offence punishable under Sections 146, 147, 148, 149, 307, 327, 324, 452, 504, 506 of the Indian Penal Code, on the condition that they shall attend the police station on 12.07.2022, 14.07.2022, 16.07.2022, 18.07.2022 between 11.00 am to 1.00 pm and co-operate with the investigation.

6. Issue notice to the respondent, returnable on 26.07.2022.

7. Learned A.P.P. waives service of notice for the respondent/ State.

8. Criminal Application No. 2196 of 2022 is allowed.

(S. G. MEHARE)
JUDGE

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