

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

BAIL APPLICATION NO.928 OF 2022

1. Vilas Baban Aaynar,
2. Manjabapu Dhondiram Chopde ..Applicants

Vs.

The State of Maharashtra ..Respondent

Mr.Akash P. Nahar, Advocate for applicants
Mr.N.T.Bhagat, APP for respondent

**CORAM : R.G. AVACHAT, J.
DATE : AUGUST 04, 2022**

ORDER :-

This is an application under Section 439 of the Code of Criminal Procedure. The applicants have been arrested in connection with Crime No.0415 of 2022 registered with Newasa Police Station, Dist.Ahmednagar.

2. Heard learned counsel appearing for the parties.

3. The FIR has been lodged by one Tukaram on 21.05.2022. It is his case that the applicant – Manjabapu abused him during telephonic conversation and given threats to his life. The informant, therefore, approached Manjabapu's friend Avinash, who, in turn, asked

the informant to come to Hotel Ranwara, so as to settle the matter. Accordingly, the informant went there along with his friend Amol Phulkar. In a short while, one white Scorpio vehicle arrived. Avinash was present there. Manjabapu too was there. The applicant – Vilas was armed with a country-made revolver. He had aimed it the informant. He even threatened the informant of dire consequences, while co-accused – Manjabapu abused the informant in filthy language. They were accompanied by one Guddu Shete and three other persons. All of them abused and threatened the informant. Avinash was trying to pacify them. The persons from nearby had gathered. After a while, a police jeep was passing by. Having seen the crowd, the police jeep stopped. Having seen the police, applicant – Vilas threw the country-made revolver, while Manjabapu started running away. The nearby persons tried to overpower both of them. In the process, they were assaulted as well. The informant's friend - Amol Phulkar found the country made revolver lying there. He handed over the same to the police.

4. On careful perusal of the FIR, it is not known, as to why Section 307 of Indian Penal Code has been invoked. Admittedly, the applicant – Vilas had not opened fire. Applicant – Manjabapu is

alleged to have had abused the informant and other persons present there. Be that as it may.

5. The applicants have been behind the bars for about two and half months. From the allegations in the FIR, it appears that their pre-trial detention is unwarranted.

6. In view of the above, the Court is inclined to grant the applicant bail. Hence, the following order:-

(i) The application is allowed.

(ii) The applicants be released in connection with Crime No.0415 of 2022 registered with Newasa Police Station, Dist.Ahmednagar, on executing P.R. Bond in the sum of Rs.15,000/- (Rupees Fifteen Thousand) with one surety in the like amount.

(iii) The applicants shall not tamper with the prosecution evidence in any manner.

(iv) They shall attend the concerned police station once in a week, i.e. on every Sunday, by 12:00 noon, for next ten months.

[R.G. AVACHAT, J.]

KBP