

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

917 ANTICIPATORY BAIL APPLICATION NO.1019 OF 2022

1. AJAY DEVIDAS SHINDE AND
2. SACHIN NAMDEO BHOSALE
VERSUS
THE STATE OF MAHARASHTRA

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Advocate for Applicants : Mr. V. D. Gunale
APP for Respondent State: Mrs. V. S. Chaudhari

CORAM : S. G. MEHARE, J.

DATE : 8th SEPTEMBER, 2022

ORDER:

1. Heard the learned counsel for the applicants and the learned APP for the State.

2. The facts of the case have been discussed in detail in the order dated 4th August, 2022. The First Information Report reveals that there were some misconceptions about the complainant. Therefore, the uncle of the complainant Ishwar Khatke took Chandraprakash Khatke at his home to clear the misunderstanding. The misunderstanding was explained. However, it has been alleged that Chandraprakash Khatke had already called some persons from his village in advance and the alleged incident took place. So far as the applicant Ajay Shinde is concerned, it has been specifically alleged against him that he has assaulted Yogesh Khatke with wooden log on his right hand and the applicant Sachin Bhosale has snatched the golden ornament from the person of his aunt.

3. The learned counsel for the applicants would submit that the applicants have been falsely implicated in the crime. No incident as such happened, but to make the offence serious, the false allegations have been levelled against them. Therefore, their custodial interrogation is not required.

4. The learned APP would submit that there are corresponding injuries to Yogesh Khatke on his right hand. Therefore, it corroborates the allegation against the applicant Ajay Shinde. The wooden stick is yet not recovered. The alleged golden ornament is also not recovered. Hence, custodial interrogation of the applicants is essential.

5. Perused the papers. Specific allegations as mentioned above have been made against both the applicants. There is mention about the incident dated 11.04.2022, in the main application about stopping the tractor as well as abusing and beating the tractor driver Namdeo Kamble who is brother of Balaji Kamble/co-accused. It has also been contended in the application that Sunil Khatke and Someshwar Khatke took the tractor from the Driver and detained the said tractor in the house of the present complainant. Therefore, the report was lodged. The accused went to the village of complainant and requested him to handover his tractor and that he would withdraw the complaint lodged by his brother. However, they refused. Then accused Balaji went to Chandraprakash Khatke, Sarpanch of village Devarajan and

requested him to intervene and convince the informant and his uncle to handover his tractor. Chandraprakash Khatke tried to convince the complainant and his family but they did not listen. On the contrary, they have lodged a false complaint.

6. It appears from the record that on the day of alleged incident, the applicants were present on the spot of the incident. A specific allegation has been levelled against the applicant Ajay Shinde that he assaulted Yogesh Khatke with stick. The injury report corresponds the injuries. Therefore, the said weapon is to be recovered. So far as the allegations of snatching the golden ornament, those are very common. In every case it is seen. That does not inspire confidence. That apart, few of the accused were arrested and nothing was recovered from them.

7. In view of the facts of the case, the application deserves to be partly allowed. Hence, the following order:-

O R D E R

- (i) The application is partly allowed.
- (ii) The application of applicant- Ajay Devidas Shinde stands dismissed.
- (iii) The interim protection granted to the applicant- Sachin Namdev Bhosale by order dated 4th August, 2022 is confirmed on the same terms and conditions.

(S. G. MEHARE, J.)