

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

ANTICIPATORY BAIL APPLICATION NO.1062 OF 2022

DHANANJAY JAGANNATH GHATE
(NAME SHOWN IN FIR DHANANJAY GATE)
VERSUS
THE STATE OF MAHARASHTRA

...
Advocate for Applicant : Mr. Vilas P. Savant
APP for Respondent : Mr. S. B. Narwade
...

CORAM : S. G. MEHARE, J.

DATE : 18-08-2022

PER COURT :-

1. Heard the learned counsel for the applicant and the learned A.P.P. for the respondent/State.
2. The applicant is Health Officer in Zilla Parishad, Pune. The co-accused Vitthal is his relative. It has been argued by the learned counsel for the applicant that the co-accused Vitthal brought the applicant to Paithan for darshan. The Swift car was owned by Vitthal. They stayed at *Bhakta Niwas*.
3. The learned counsel for the applicant has vehemently argued that the applicant has no concern with the alleged incident. He did not know what was cooking in the mind of Vitthal. He brought him in problem. The applicant has no antecedents to his

discredit. When he learnt about incident, he was shocked. The applicant is ready to co-operate with the investigation. Hence, he may be protected.

4. The learned A.P.P. has strongly opposed the application and referred to various documents and tried to convince the Court that the applicant has brought said car which had duplicate number plate. The applicant fled away with the said swift car. The learned APP has also argued that the Swift car is to be recovered. *Prima facie* evidence is there against the applicant for custodial interrogation.

5. Perused the papers. A serious offence has been committed. The relation of applicant with the main accused is not denied. The applicant has also not denied that he had been to Paithan on the day of the incident. He also admitted that since he had to join the duty on the next day, on instructions of main accused Vitthal, he took swift car brought for Darshan. The learned counsel for the applicant has made a statement that the said vehicle was left at the house of Vitthal and delivered in the custody of his wife. Vitthal has been caught red-handed with some forged Id-card and complaints against the complainant. Though the offence is serious, the active role is played by the co-accused Vitthal. The possibility of bringing the applicant in problem by co-accused cannot be ruled out. The applicant has expressed willingness to

co-operate with the Investigating Officer.

6. Considering the facts of the case and role attributed to the applicant, if protection is granted, no harm would be caused to the prosecution. Hence, the following order :-

- i) The application is allowed.
- ii) In the event of arrest, applicant Dhananjay Jagannath Ghate (name shown in the FIR Dhananjay Gate) be released on bail, on furnishing PB and SB of Rs.50,000/- with one solvent surety of like amount, in C.R. No. 0230 of 2022, registered with Paithan Police Station, Taluka Paithan District Aurangabad, for the offence punishable under Sections 170, 171, 419, 420, 465, 466, 468, 471, 384, 120B of the Indian Penal Code, on the condition that he shall attend the police station from 22nd August 2022 to 25th August 2022 between 10.00 a.m. and 2.00 p.m. and shall not tamper with the prosecution witnesses.

**(S. G. MEHARE)
JUDGE**

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