

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

911 ANTICIPATORY BAIL APPLICATION NO.1200 OF 2022

1. GANESH RANGNATH GAIKWAD
2. SIDDHANT SANJAY AGALE
VERSUS
THE STATE OF MAHARASHTRA

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Advocate for Applicants : Mr. Gangakhedkar Shailendra S.
APP for Respondent-State : Ms. V. S. Choudhari.

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WITH

ANTICIPATORY BAIL APPLICATION NO.1161 OF 2022

1. VINAYAK S/O SANJAY SHINDE
2. BHAGWAN S/O PRAKASH SHINDE
VERSUS
THE STATE OF MAHARASHTRA

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Advocate for Applicants : Mr. Bagal Vishal A.
APP for Respondent-State : Ms. V. S. Choudhari.

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CORAM : S. G. MEHARE, J.
DATE : 08.09.2022

PER COURT :-

1. Heard the learned counsels for the applicants and the learned APP for the respondent / State.
2. In Anticipatory Bail Application No.1200 of 2022, issue notice to the respondent.
3. The learned APP waives service of notice for the respondent-State.

4. Learned counsels for the applicants would submit that nothing is to be recovered from the applicants. The applicants have been falsely implicated in the crime. There are no allegations of the use of the weapon. The applicants have no antecedents to their discredit. In the first part, there were no specific allegations in the FIR. However, subsequently the allegations have been made with the name of the accused. The allegations are primary vague. However, to make the offence serious, the false allegations of pushing, holding the collar and slapping have been levelled against the accused. There are no specific allegations with the incident happened.

5. Learned APP has strongly opposed the application. She would contend that the accused were aggressive. They were using force against the public servant and deterring them from discharging their duties. She has also vehemently argued that the law and order was disturbed in the town. Therefore, the custodial interrogation of the applicants is essential.

6. Perused the papers. In first part of the FIR, the police were not knowing the names of any of the accused. Then, police examined the video on mobile and asked the names to the persons organizing the procession and showed them their photographs. Thereafter, the names of the applicants have been

revealed. That apart, there are no allegations of use of the weapon. There is nothing on record to show that the custodial interrogation of the applicants would serve the purpose. Therefore, both the applications deserve to be allowed. Hence, the following order :

ORDER

- (i) Both the applications are allowed.
- (ii) In the event of arrest, applicant Nos.1. GANESH RANGNATH GAIKWAD, 2. SIDDHANT SANJAY AGALE in ABA.No.1200 of 2022 and applicant Nos.1. VINAYAK SANJAY SHINDE, 2. BHAGWAN PRAKASH SHINDE in ABA.No.1161 of 2022, be released on bail on furnishing PB. and S.B. of Rs.20,000/- (Rupees Twenty Thousand only) each with one solvent surety in the like amount each in Crime No.336 of 2022, registered with Police Station Mondha, District Parbhani, for the offences punishable under Sections 143, 353, 332, 323, 504, 506 of the IPC, on the conditions that they shall attend the Police Station on 12.09.2022, 13.09.2022 and 14.09.2022 between 10.00 a.m. to 1.00 p.m.

(S. G. MEHARE, J.)

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vmk/-