

(1)

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

ANTICIPATORY BAIL APPLICATION NO.1289 OF 2022

**ANAND LAXMAN KAMBALE
VERSUS
THE STATE OF MAHARASHTRA**

WITH ABA/1257/2022

**DHAIRYASHIL RAMKUMAR KAMBALE @ SAURABH KAMBALE AND
ANOTHER
VERSUS
THE STATE OF MAHARASHTRA**

Mr. V. A. Bagal, Advocate for applicants;
Ms. V. S. Choudhari, A.P.P. for respondent /State

CORAM : S. G. MEHARE, J.

DATE : 27th September, 2022

PC.

1. Heard the learned counsel for the applicants and the learned A.P.P. for the respondent/State.
2. The applicants have a case that they have been falsely involved in the crime. They did not use the force. No weapons have been allegedly used in the crime. The incident happened during one procession. It has been falsely alleged against the applicants that they have caused the disturbance and did not allow to pass the said procession from their locality. The police officials tried to convince the applicants, but they did not listen. It has been alleged against the

(2)

applicants that they were aggressive. The applicant Anand slapped the police person holding collar of his police uniform shirt.

3. The learned counsel for the applicants would submit that no weapon has been used at all. Nothing is to be recovered from the applicants. The video clip is already lying with the police. Hence, anticipatory bail may be granted.

4. The learned A.P.P. has strongly opposed the application and would submit that the applicants have created terror in the village. They have used the force against the public servants and deterred them from discharging their duty. The offence is grievous. Hence, the both applications deserve to be dismissed.

5. As discussed above, there are no allegations of use of any weapon or causing a serious injury. No doubt, the applicants were seen aggressive, but that would be considered on merit. If the applicants are allowed to face custodial interrogation, that would serve no purpose. In that view of the matter, both applications deserve to be allowed. Hence, the following order :-

- i) Both applications are allowed.
- ii) The interim protection granted to the applicants in ABA/1257/2022 by order dated 20.09.2022 is confirmed on the same terms and conditions.

(3)

iii) In the event of arrest, applicant Anand s/o. Laxman Kambale, be released on bail, on furnishing PB and SB of Rs.15,000/-, with one solvent surety of like amount, in C.R. No.0336 of 2022, registered with Police Station Mondha, Taluka and District Parbhani, for the offence punishable under Sections 143, 323, 332, 353, 504 and 506 of the Indian Penal Code.

iv) All the applicants shall not disturb the peace in the village and keep away themselves from indulging in similar nature of offence. They shall cooperate with the Investigating Officer and attend the police station as and when called on written notice.

(S. G. MEHARE, J.)

amj