

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

914 ANTICIPATORY BAIL APPLICATION NO.1269 OF 2021

REVANNATH RAMBHAU JADHAV

VERSUS

THE STATE OF MAHARASHTRA

...

Mr. M.A. Dond, Advocate for the applicant

Mr. A.M. Phule, APP for the respondent

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CORAM : SMT. VIBHA KANKANWADI, J.

DATE : 20th JANUARY, 2022

ORDER :

1 The applicant is apprehending his arrest in connection with Crime No.546/2021 dated 27.07.2021 registered with Newasa Police Station, Tq. Newasa, Dist. Ahmednagar, for the offence punishable under Section 307, 341, 323, 504, 506 read with Section 34 of the Indian Penal Code, 1860.

2 Heard learned Advocate Mr. M.A. Dond for the applicant and learned APP Mr. A.M. Phule for the respondent.

3 It has been vehemently submitted on behalf of the applicant that the name of the applicant is not appearing in the First Information Report. It was against one Firoz Rehman Shaikh and Arvind @ Gundya Popat Vairagar.

No doubt, the First Information Report states that they were helping those two accused persons, but the name of the applicant is not appearing. It appears that only on the basis of alleged statement of one of the accused, who was arrested, name of the present applicant is getting involved. He has not committed any offence. He is of a different village. There is no prima facie case against the applicant. There is delay in lodging the First Information Report also and the First Information Report is vague. The applicant has abided by the terms of the interim bail granted by this Court and, therefore, the said interim protection deserves to be confirmed.

4 Per contra, the learned APP strongly opposed the application and submitted that the co-accused were arrested and released on regular bail after they had undergone necessary police custody. If we consider the contents of the First Information Report, then, it can be said that two unknown persons were positively helping the co-accused, whose names have been mentioned in the First Information Report. The informant had received severe injuries to his head and definitely the said act was done with an intention to kill the informant. Though the weapon of assault has been seized, the custodial interrogation of the applicant would be necessary, as the motive would be hidden in the heart of the applicant, as to why he had taken part in the commission of the crime.

5 At the outset, it is to be noted that though interim protection is granted, that does not mean that after the full-fledged hearing it should be confirmed. It depends upon the evidence i.e. uptill now collected. As aforesaid, the First Information Report, which has been lodged by one Krishna Kachru Sanap was against two named persons and two unknown persons. Those named persons were arrested and after they had undergone the requisite Police Custody and Magisterial Custody, they appeared to have been released on regular bail. The weapon has been recovered. We are required to consider the seriousness of the offence. It is to be noted that the informant is a driver by profession. He has stated that he takes the Trailer belonging to another person for transportation. He could notice while proceeding from Ghodegaon Highway that the two named accused used to stop him frequently and he had the information that they used to extort money. On 26.06.2021 around 11.00 a.m. similar attempt was made. But he could notice that when he was proceeding further without giving any heed to the indication to stop given by those named persons towards Aurangabad, those two named persons along with two unknown persons chased him on motorcycle and caused his Trailer to be stopped near Pravara Sangam Police Chowky. He was brought down forcibly by Firoz and Arvind and started assaulting him by kicks and fist blows. Firoz was assaulting him and Arvind and two unknown persons had caught hold of him. Thereafter, Firoz brought

iron tommy from the vehicle of the informant himself and gave blow of the same on the informant's head. After he got injured and he was crying for help, other persons came, so also, the police from the Police Chowky came, then, Firoz Shaikh was arrested, immediately, but the other persons managed to flee away. Thus, we can get from the First Information Report, at this prima facie stage that the intention behind doing such was not only to extract money but to severely beat the informant and the scythe that was chosen was head, as the informant did not stop his vehicle as per the indication given by the two named persons. Definitely, the identity of the applicant is required to be established, so also, his such involvement in the crime as well as criminal antecedents are required to be considered. Therefore, taking into consideration the over all facts and circumstances and the case, case is not made out to grant anticipatory bail to the applicant. Therefore, the application stands rejected. Interim protection granted earlier by this Court stands vacated.

(Smt. Vibha Kankanwadi, J.)