

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

ANTICIPATORY BAIL APPLICATION NO. 1409 OF 2022

Ramchandra @ Abaji Sopan Kambale
and others

.... Applicants

Versus

The State of Maharashtra
and another

.... Respondents

.....

Mr. V.B. Jogdand Patil, Advocate for the Applicants
Mr. P.K. Lakhotiya, APP for Respondents – State

.....

[CORAM : NITIN B. SURYAWANSHI, J.]

DATE : 23rd NOVEMBER, 2022

ORDER :

1. After arguing for some time on merits, when this Court was not inclined to grant relief to applicant No.1, learned advocate for the applicant No.1, on instructions, seeks permission to withdraw the application.

2. Permission granted.

3. Application of applicant No. 1 Ramchandra @ Abaji Sopan Kambale is hereby disposed of as withdrawn.

4. The applicants apprehend their arrest in connection with Crime No. 0242 of 2022 registered with Lohara Police Station, District Osmanabad for the offence punishable under sections 143, 145, 147, 149, 353, 332, 323, 504, 506, 188 of the Indian Penal Code.

2. Heard the learned advocate for the applicants and the learned Additional Public Prosecutor for the respondents – State. Perused the investigation papers.

3. Perusal of FIR and investigation papers show that the main allegations of actual commission of offence of assault are attributed to applicant No.1 and manhandling of police officer is alleged against applicant No.1 Abaji Kambale and other accused persons named in the FIR. The allegations are in respect of there being prohibitory order under section 144 of the Criminal Procedure Code in force, the applicants and other accused persons formed unlawful assembly and tried to enter the temple, in violation of prohibitory order. The applicants agitated in violation of prohibitory order under section 144 of the Criminal Procedure Code and breached the public peace.

4. Taking into consideration the allegations made in the FIR against the applicants, custodial interrogation and / or

detention of the applicants is not warranted in the facts of the present case.

5. In that view of the matter, the application of applicant Nos. 2 to 8 is hereby allowed.

6. In the event of arrest of the applicant Nos. 2 to 8 in connection with Crime No. 0242 of 2022 registered with Lohara Police Station, District Osmanabad for the offence punishable under sections 143, 145, 147, 149, 353, 332, 323, 504, 506, 188 of the Indian Penal Code, they be released on executing PB and SB of Rs.15,000/- each with one surety each in the like amount.

7. Till filing of the charge sheet, the applicants shall attend the concerned police station every Sunday between 10.00 a.m. and 12.00 noon and co-operate in the investigation.

8. The applicants shall not visit the temple wherein they have made agitation. The applicants shall not breach the peace of the village. The applicants shall not tamper the prosecution evidence.

**[NITIN B. SURYAWANSHI]
JUDGE**

S.P. Rane