

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

922 ANTICIPATORY BAIL APPLICATION NO.1483 OF 2021

VISHAL NAMDEO VANE AND ANOTHER

VERSUS

THE STATE OF MAHARASHTRA

...

Mr. S.B. Deshpande, Advocate for applicants

Mrs. V.N. Patil-Jadhav, APP for the respondent

...

WITH

ANTICIPATORY BAIL APPLICATION NO.1484 OF 2021

AVINASH SANJAY DARANDALE

VERSUS

THE STATE OF MAHARASHTRA

...

Mr. S.B. Deshpande, Advocate for applicants

Mrs. V.N. Patil-Jadhav, APP for the respondent

...

CORAM : SMT. VIBHA KANKANWADI, J.

DATE : 13th JANUARY, 2022

ORDER :

1 Both the applications have been filed by the persons who have

been arrayed as accused in Crime No.341/2021 dated 26.10.2021 registered with Sonai Police Station, Dist. Ahmednagar, for the offence punishable under Section 307, 324, 323, 504, 506, 327, 143, 147, 148, 149 of the Indian Penal Code, 1860, under Section 4/25 of the Arms Act, 1959 and under Section 37(1), 37(3) and 135 of the Maharashtra Police Act, 1951.

2 Heard learned Advocate Mr. S.B. Deshpande for the applicants as well as learned APP Mrs. V.N. Patil-Jadhav for the respondent in both applications. In order to cut short it can be said that they have argued in support of their respective contentions.

3 The present applicants are the accused Nos.4, 5 and 8 as named in the First Information Report. First Information Report has been lodged by one Nasir Kasam Shaikh on 26.10.2021 at about 3.40 a.m. in respect of incident that had taken place around 11.00 to 11.15 a.m. on 25.10.2021. The incident appears to have started on the ground as to who is supposed to take the vehicle ahead. According to the informant, he had gone to mediate, when his relative Shahabuddin Shaikh was quarreling with one Sambhaji Lande from Landewadi. It is then stated that Sambhaji went by saying that he would bring boys for assault and then the informant went near the shop of one Faruk, at that time, Sandip Lande came with 8 persons including the

present applicants. According to the informant, applicant Avinash and Vishal were holding iron rod and they told when Faruk was standing in front of his shop that he should be caught and should be eliminated. He then says that Farukh was caught hold by Namdeo Korde and Sandip Lande had hit on the left side of the stomach of the Farukh with chopper. As regards the applicant Avinats and Vishal is concerned, it is then stated that they were holding along with other persons sword, stick and iron rod and they were chasing informant by stating that he could not be left alive. But the informant crossed the road by running and at that time the vehicle of Sonai Police arrived there by blowing siren. It is then stated that applicant Ganesh went inside the shop of Farukh and took away cash from his cash box. Important point to be noted is that as regards the applicants Avinash and Vishal is concerned, though it is stated that they were armed, the First Information Report does not say that they had used the same arm for assaulting anybody. Further, as regards the applicant Ganesh is concerned, the police have not invoked Section 379 of the Indian Penal Code. It can also be seen from the submissions made on behalf of the applicants that cross complaint has been filed vide Crime No.342/2021, which came to be registered around 4.30 a.m. on 26.10.2021. Taking into consideration the role attributed, the applicants deserve to be released on bail, however, with conditions. Hence, following order.

ORDER

1 Both applications stand allowed.

2 In the event of arrest of applicants viz. 1) Vishal Namdeo Vane,
2) Ganesh Lahu Sonavane in Anticipatory Bail Application No.1483 of 2021
and applicant Avinash Sanjay Darandale in Anticipatory Bail Application
No.1484 of 2021, in connection with Crime No.341/2021 dated 26.10.2021
registered with Sonai Police Station, Dist. Ahmednagar, for the offence
punishable under Section 307, 324, 323, 504, 506, 327, 143, 147, 148, 149
of the Indian Penal Code, 1860, under Section 4/25 of the Arms Act, 1959
and under Section 37(1), 37(3) and 135 of the Maharashtra Police Act, 1951,
they be released on P.R. of Rs.30,000/- (Rupees Thirty Thousand only) each
with two sureties of Rs.15,000/- (Rupees Fifteen Thousand only) each.

3 The applicants shall not indulge in any criminal activity nor shall
try to tamper with the evidence of prosecution, in any manner.

4 Applicants shall cooperate with the investigation and shall attend
Police Station, Sonai, Dist. Ahmednagar, on every Monday and Thursday
between 11.00 a.m. to 02.00 p.m., till filing of charge sheet.

(Smt. Vibha Kankanwadi, J.)