

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

ANTICIPATORY BAIL APPLICATION NO.1605 OF 2022

DINESH SHYAMRAO PAWAR

VERSUS

THE STATE OF MAHARASHTRA AND ANOTHER

...

WITH

ANTICIPATORY BAIL APPLICATION NO.1567 OF 2022

SHARAD NAMDEV PAWAR AND ANOTHER

VERSUS

THE STATE OF MAHARASHTRA AND ANOTHER

...

WITH

ANTICIPATORY BAIL APPLICATION NO.1606 OF 2022

GANESH SHYAMRAO PAWAR

VERSUS

THE STATE OF MAHARASHTRA AND ANOTHER

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**Mr. P. V. Mandlik, Sr. Advocate i/b Mr. Panditrao S. Anerao,
Advocate for Applicant in all matters**

Mr. V. S. Badakh, APP for Respondents – State in all matters

Mr. K. P. Rodge, Advocate for Informant in all matters

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CORAM : NITIN B. SURYAWANSHI, J.

DATE : 20th DECEMBER, 2022

PER COURT :

1. Applicants apprehend arrest in Crime No.0202/2022, registered with Loha Police Station, Nanded, for offences punishable under Sections 306, 324, 323 read with 34 of the Indian Penal Code.
2. The FIR is lodged by Smt. Shivnanda Maroti Lungare

against four accused persons including applicants, alleging that daughter of accused Sharad Namdev Pawar i.e. applicant No.1 in Anticipatory Bail Application No.1567/2022, had left with one Vaibhav Balaji Chavhan on 07/10/2022. Since her son Datta was friend of Vaibhav, applicants/accused suspected that Datta must be knowing whereabouts of Vaibhav and their daughter. They also were under impression that Datta had helped the couple to elope. Hence, Datta was called from time to time to know the whereabouts of said couple. He was called on 08/10/2022 and his mobile phone was taken away by the applicants. Thereafter, on 09/10/2022 at 03:00 a.m. Datta was again called by accused No.1 on motorcycle and he was assaulted with belt. Datta committed suicide apprehending assault at the hands of applicants.

3. Heard learned senior advocate for applicants, learned advocate for informant and learned Additional Public Prosecutor for respondents – State. Perused the investigation papers.

4. *Prima facie*, ingredients of abetment are not made out from the investigation papers. So far as allegation of assault with belt is concerned, postmortem report shows one contusion on shoulder, which can be due to the assault with belt. Except that there are no other injuries which can be caused by assault with belt. Cell phone of applicant No.1 and belt are already recovered.

5. Applicants were granted interim protection and were directed to cooperate in the investigation. Applicants have accordingly cooperated in the investigation. Investigation appears to be almost complete. In the facts of the present case, pre-trial custodial detention of applicants does not appear to be necessary.

6. Applications are, therefore, allowed by confirming the interim orders passed by this Court. Till filing of charge-sheet, applicants shall attend concerned police station as and when called by Investigating Officer and cooperate in the investigation. Applicants shall not tamper prosecution evidence.

7. Applicant in Anticipatory Bail Application No.1605/2022 namely Dinesh Shyamrao Pawar shall not enter Loha Town, Nanded, till conclusion of the trial and shall not, in any manner, influence prosecution witnesses and/or evidence. It is made clear that he is entitled to carry out his agricultural operations.

(NITIN B. SURYAWANSHI, J.)