

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

ANTICIPATORY BAIL APPLICATION NO.206 OF 2023

Rahul s/o Namdeo Bachkar

... APPLICANT

VERSUS

The State of Maharashtra & anr.

... RESPONDENTS

.....
Mr. S.R. Wakale, Advocate for applicant
Mr. A.S. Shinde, A.P.P. for respondents
.....

CORAM : R.G. AVACHAT, J.

DATE : 9th MARCH, 2023

P.C. :

Heard. The First Information Report has been lodged by one Bhausahab Guldagad on 20/10/2022 in relation to the incident that took place by 11.15 p.m. on 19/10/2022. It has been alleged in the First Information Report that the informant along with his cousin Namdeo was proceeding along Vadner-Mhaisgaon Road on his motorbike. While they were negotiating Ghat Section, two persons on a motorbike came from behind. They intercepted the informant. Abused him. One of them was Pravin Bachkar, real brother of the applicant herein. It is further alleged that, the applicant's brother Pravin

assaulted the informant with an iron rod. The informant was sporting silver necklace of little over 1 Kg. Co-accused Pravin allegedly robbed him of the said ornament. It is further alleged that, the present applicant along with one unknown person appeared there after a while. The applicant was armed with a revolver. The applicant threatened the informant of eliminating him if he did not leave the place.

2. What can be gathered from the First Information report is that the applicant did not play any role in the offence punishable under Section 392 of the Indian Penal Code. He came later on at the scene of offence. It is informed that, it was a day of Viroba Fair. The road was crowded. Police staff was deputed on Bandhobast. There was delay of 18 hours in lodging of the First Information Report. It is further informed that, no independent person came forward to vouch the allegations in the First Information Report. In view of the above, the Court is inclined to grant the application. Hence the order :-

ORDER

- (i) The application is allowed.
- (ii) In the event of arrest of the applicant in connection with

Crime No.1007/2022, registered with Rahuri Police Station, District Ahmednagar for the offences punishable under Section 25(3) of the Arms Act and Sections 394, 506 read with Section 34 of the Indian Penal Code, the applicant be released on bail on his executing P.R. bond in the sum of Rs.15,000/- (Rupees fifteen thousand) with one surety in the like amount.

(iii) The applicant shall not tamper with the prosecution evidence.

(iv) The applicant shall appear before the concerned police station as and when required by the investigating officer.

(R.G. AVACHAT, J.)

fmp/-