

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

ANTICIPATORY BAIL APPLICATION NO. 432 OF 2023

1. Dnyaneshwar Ram Wadghane
2. Ram Baliram Garad
3. Dnyaneshwar Babasaheb Khanal ..APPLICANTS

VERSUS

State of Maharashtra and Another ..RESPONDENTS

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Mr. Shaikh Majid, Advocate h/f Mr. S.S. Deshmukh, Advocate for applicants
Mr. A.A. Jagatkar, A.P.P. for respondents

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CORAM : R.G. AVACHAT, J.
DATE : 12th APRIL, 2023

PER COURT :

1. This is an application under Section 438 of Code of Criminal Procedure. The applicants claim to have an apprehension of being arrested in connection with Crime No. 736 of 2022 registered with Shevgaon Police Station, Dist. Ahmednagar for the offences punishable under Sections 363, 364 and 364-A read with Section 34 of the Indian Penal Code ('I.P.C.').

2. Heard. Perused First Information Report ('F.I.R.') and related police papers.

3. Learned A.P.P. has strong objection to grant relief to the applicants. According to him, the applicants committed offence in furtherance

of their common intention. The Bolero Jeep used in commission of offence might belongs to one of the applicants. Same needs to be seized. He, therefore, urged for rejection of the application.

4. It is the case of prosecution that present applicants, in furtherance of their common intention with main accused – Minaz Shaikh, kidnapped Haribhau Gore in a Bolero Jeep. Admittedly, the main accused – Minaz Shaikh has been arrested and he is behind the bars. The person, who was kidnapped, has been released. He gave his statement that co-accused Minaz Shaikh and four unknown persons took him in a Bolero Jeep. He was assaulted and was asked to refund a sum of Rs.60,000/- which was paid to him as advance for sugarcane harvesting. Identity of the present applicants came to light from statement of the person kidnapped.

5. Since the victim has now been free, it appears that nothing is to be recovered from any of the applicants. Their custodial interrogation is, therefore, unwarranted. In view of the same, order dated 05th April, 2023 granting the applicant interim anticipatory bail is hereby made absolute. The applicants shall appear before the investigating officer, as and when required for the investigating purpose. The applicants shall not tamper with the prosecution evidence.

(R.G. AVACHAT, J.)

SSD