

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

ANTICIPATORY BAIL APPLICATION NO.861 OF 2023

SHARAD UTTAMRAO CHORMARE
 VERSUS
 THE STATE OF MAHARASHTRA AND ANOTHER

...
 Advocate for Applicant : Mr. Dhananjay R. Gavhad
 APP for Respondent – State : Mr. S.N. Morampalle
 ...

CORAM : R. M. JOSHI, J.
DATE : 13th JULY, 2023

PER COURT :

. Applicant is apprehending arrest in connection with Crime No.105 of 2023 registered with Phulambri Police Station, Tal. Phulambri, Dist. Aurangabad for the offences punishable under Section 395 of the Indian Penal Code and Section 3, 25 of the Arms Act.

2. First Information Report shows that on 08.03.2023 when the informant had taken custody of vehicle from the Tahsil office after paying penalty and the said vehicle was being taken away by Samruddhi Highway, one Scorpio, Innova, Swift Desire and Tata Nexon vehicles obstructed them. Around 20 persons alighted from

these vehicles and they assaulted driver of Highwa vehicle. Informant further states that he was abducted and was assaulted with iron rod and sword. He was left in the forest and that two gold rings and cash of Rs.65,000/- was robbed.

3. Learned counsel for applicant has referred to report of police wherein there is mention about only one scorpio car having followed highwa vehicle. Learned counsel states that it is practically impossible that 20 persons would be there in one car. Thus, it is his contention that this is a case of false implication. He further states that name of applicant is not mentioned in First Information Report and that similarly placed accused are already enlarged on bail by learned Additional Sessions Judge.

4. Learned APP opposed application by contending that there is statement of one witness who has named present applicant as assailant. He also drew attention of this Court to the statement of driver of Highwa vehicle.

5. There is no dispute about the fact that name of applicant is not mentioned in the First Information Report. Statement of

witness which has been relied upon by learned APP bearing name of applicant and it indicates that he (witness) went to the spot where informant was found at around 12:00 midnight. He does not claim that he is witness of incident which was occurred much earlier in the day. As far as statement of driver is concerned he does not name anyone, but his statement is similar to the First Information Report.

6. Copy of the order placed on record demonstrates that co-accused against whom similar role is attributed, are enlarged on anticipatory bail.

7. Having regard to the aforesaid facts, following order is passed.

ORDER

- (i) Application is allowed.
- (ii) In the event of arrest of applicant in connection with Crime No.105 of 2023 registered with Phulambri Police Station, Tal. Phulambri, Dist. Aurangabad for the offences punishable under Section 395 of the Indian Penal Code and Section 3, 25 of the Arms Act, he be released on bail on furnishing PR Bond of Rs.15,000/- (Rs. Fifteen

Thousand only) with one solvent surety in the like amount.

- (iii) He shall attend the concerned police station as and when called till filing of charge-sheet.
- (iv) He shall not contact the witnesses directly or indirectly.
- (v) He shall not interfere with the evidence in any manner whatsoever.
- (vi) He is further directed to cooperate with the investigating agency for further investigation.

[R. M. JOSHI]
JUDGE

GGP