

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

**ANTICIPATORY BAIL APPLICATION NO.913 OF 2023
WITH APPLN/2246/2023 IN ABA/913/2023**

**1. VIJAY GANESH DHENGLE
2. GANESH TUKARAM SHEJUL
VERSUS
THE STATE OF MAHARASHTRA**

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**Advocate for Applicants : Mr. A. D. Kawre
APP for Respondents: Mr. G. O. Watamwar**

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CORAM : R.M. JOSHI, J

DATE : JULY 06, 2023

PER COURT :

1. Applicants apprehend arrest in connection with with C.R. No. 64 of 2022 registered with Maujpuri Police Station, Dist. Jalna for the offences punishable under Sections 353, 332, 143, 144, 145, 147, 148, 149, 160 of the Indian Penal Code and Section 135 of Maharashtra Police Act.

2. The first information report is lodged by the police officer in respect of incident occurred on 03.03.2022. It is stated therein that there was fight going on between two groups and hence, police went to the spot and tried to disperse the mob. Various other allegations are made in the said report.

3. Learned Counsel for the Applicant states that name of the Applicant No. 1 is not found in the FIR. It is submitted that there is no evidence against Applicants of any overt-act being committed in the crime. Charge-sheet is already filed. Hence, the custody of the Applicants is not necessary.

4. Learned APP by stating that three reports were lodged in respect of the same incident. Report in crime no. 62/2022 indicates that the presence of both Applicants at the spot. It is also contended that since the Applicant No. 1 had sustained bullet injury he cannot denied his presence therein.

5. The report in other crime indicates that Applicants were present at the spot. Mere presence at the spot will not be sufficient to connect him with the crime in absence of any overt-act alleged against them. Only for the reason that Applicant No. 2 sustained firearm injury, one cannot presume his participation in the crime. He could be victim of the crime. Since charge-sheet is filed, custodial interrogation of the Applicants is not necessary. Hence, the order:

O R D E R

- (i) Application is allowed.
- (ii) In the event of arrest of the Applicants in connection with with C.R. No. 64 of 2022 registered with Maujpuri Police Station, Dist. Jalna for the offences punishable under Sections 353, 332, 143, 144, 145, 147, 148, 149, 160 of the Indian Penal Code and Section 135 of Maharashtra Police Act, they shall be released on bail on furnishing PR bond of Rs. 15,000 (Rupees Fifteen Thousand Only) each with one solvent surety in the like amount.
- (iii) They shall attend the concerned police station as and when required.
- (iv) They shall not contact the prosecution witnesses directly or indirectly.
- (v) They shall not interfere with the evidence in any manner whatsoever.
- (vi) They are further directed to cooperate the investigating agency for further investigation.

(R.M. JOSHI, J.)

Malani