

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

ANTICIPATORY BAIL APPLICATION NO. 1116 OF 2023

Parasram s/o Gautam Gaikwad

Applicant

Versus

The State of Maharashtra

Respondent

Mr. A. R. Gaikwad, Advocate for the applicant.
Mrs. G. L. Deshpande, APP for the State.
Mr. S. B. Choudhari, advocate for the informant.

WITH
ANTICIPATORY BAIL APPLICATION NO. 1118 OF 2023

Pravin s/o Gautam Gaikwad

Applicant

Versus

The State of Maharashtra

Respondents

Mr. A. R. Gaikwad, Advocate for the applicant.
Mrs. G. L. Deshpande, APP for the State.
Mr. S. B. Choudhari, advocate for the informant.

CORAM : R. M. JOSHI, J.
DATE : 12th SEPTEMBER, 2023.

PER COURT :

1. Applicants apprehend arrest in connection with Crime No. 0327/2023 registered with Shivajinagar Police Station, Dist. Beed, for the offences punishable under Sections 160, 323, 324, 307,

143, 147, 148, 149, 504 of Indian Penal Code, Sections 3 and 4 of Arms Act and Section 135 of Maharashtra Police Act.

2. Report is lodged by ASI Amol Gurale of Shivaji Nagar Police Station in respect of the incident occurred on 16th June, 2023 at 10.15 pm. According to the informant, there was fight between two groups involving more than 50 persons altogether. There is no dispute about the fact that in all three reports came to be lodged in respect of the same incident i.e. First Information Reports No. 327/2023, 329/2023 and 336/2023.

3. Learned counsel for applicants states that in the First Information Report in respect of the said incident no overt act has been alleged against the applicants. It is his submission that since the present applicants were not holding any weapon, even for the purpose of recovery of weapon, their custodial interrogation is not necessary.

4. Learned APP and learned counsel for the informant opposed the said contention. According to learned APP, the incident involves number of persons which shows gravity of the offence and

that four persons sustained injuries in the said incident including bullet injuries caused to three of them.

5. There is no dispute about the fact that some incident has certainly occurred wherein weapons including fire arms were used. As far as present applicants are concerned, no specific allegations are made in the First Information Report lodged against them about they using any weapon in this crime or being responsible for causing any injury to any injured person. Mere presence of these applicants in the absence of any material to show their involvement in the crime does not make them dis-entitled to protection from arrest. Since nothing is to be recovered at their instance, applications deserve to be allowed.

6. In the result, both the applications are allowed in terms of the interim order. Applicants are directed to remain present before the Investigating Officer once in a fortnight till filing of the charge-sheet.

(R. M. JOSHI)
Judge

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

ANTICIPATORY BAIL APPLICATION NO. 1294 OF 2023

Pradip s/o Vishnu Gaikwad Applicant

Versus

The State of Maharashtra Respondent

Mr. A. N. Nagargoje, Advocate for the applicant.
Mrs. G. L. Deshpande, APP for the State.
Mr. S. B. Choudhari, Advocate for the informant.

WITH
ANTICIPATORY BAIL APPLICATION NO. 1295 OF 2023

Dipak Vishnu Gaikwad Applicant

Versus

The State of Maharashtra & another Respondents

Mr. S. E. Shekade, Advocate for the applicant.
Mrs. G. L. Deshpande, APP for the State.
Mr. S. B. Choudhari, Advocate for the informant.

WITH
ANTICIPATORY BAIL APPLICATION NO. 1313 OF 2023

Nilesh Suresh Jadhav & another Applicant

Versus

The State of Maharashtra & another Respondents

Mr. S. E. Shekade, Advocate for the applicants.
Mrs. G. L. Deshpande, APP for the State.

CORAM : R. M. JOSHI, J.

DATE : 12th SEPTEMBER, 2023.

PER COURT :

1. When this Court has shown disinclination to grant relief to the applicants, learned counsel for the applicants, on instructions, seek withdrawal of the applications.

2. Applications stand dismissed as withdrawn.

**(R. M. JOSHI)
Judge**

dyb