

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

BAIL APPLICATION NO. 1433 OF 2023

SHRINIVAS ASHOK CHAVAN
VERSUS
THE STATE OF MAHARASHTRA

...

Mr. P.P. More, Advocate for the applicant
Mr. K.S. Patil, APP for respondents.

With

BAIL APPLICATION NO. 1494 OF 2023

1]RAVINDRA RAJEBHAU AVAD
AND ANOTHER
VERSUS
THE STATE OF MAHARASHTRA

...

Ms. Ashwini Lomte, Advocate for applicants.
Mr. K.S. Patil, AGP for respondents

CORAM : S.G. CHAPALGAONKAR, J.

DATE : 29th AUGUST, 2023

ORDER :-

Not on board. Taken on board.

2. The applicants herein are seeking regular bail in connection with Crime No. 243 of 2023 registered with police station, Majalgaon Dist. Beed, for the offence punishable under Sections 364, 323, 506, 34 of IPC.

3. The investigation was set in motion on the basis of information given by one Prameshwar Levade alleging that there was some financial transaction between his father and one Ramesh Ware and Ganesh Rajaram Bhise. It is further alleged that the amount which was due was not returned by said Ganesh Bhise. On 14.7.2023, said Ganesh Bhise called the informant to his shop. Thereafter, he took the informant in his car in which, other 3 persons were already boarded. It is alleged that the accused Ganesh Bhise drove the car and other accused persons started beating him. It is further alleged that a friend of the informant dialed the police and gave information that the applicant has been forcibly carried in the car. Due to said information, the police halted the car at Gadhi and took the informant and other accused to the police station. After recording statement of the informant, the offence has been registered. It is alleged that amongst 3 persons accompanied with the accused Ganesh, were applicant and one Ravindra Rajebhau Avad. Immediately, the accused were arrested and they are behind bars since 15.7.2023. Their prayer for grant of bail has been rejected by the Sessions Court. Hence, this application.

4. Mr. PP. More and Ms. Ashwini Lomte, learned counsel for the respective applicants would submit that the applicants are un-concerned with the transaction between the informant and Ganesh Bhise. The allegations in the FIR are false. Due to financial transaction between the informant and Ganesh, a false story has been hatched. Mr. PP. More, learned advocate appearing for applicant – Shrinivas would submit that he has just passed ITI and presently searching for a job and his family is dependent on him. Similarly, Ms. Ashwini Lomte learned Advocate for applicant Ravindra and Hanumant would submit that the applicants

Ravindra and Hanumant are no way concerned with the financial transactions and they have been falsely implicated. It is further submitted that the investigation in the matter has been substantially progressed and further detention of the applicants is not necessary. In that view of the matter, they urge for grant of bail.

5. Learned APP oppose the application on the ground that ...

6. Having considered the submissions advanced, apparently, the allegations in the FIR pin points financial transaction between the informant and Ganesh Bhise. No specific role is attributed against the applicants in the commission of offence. It is alleged that they assaulted the informant in the car. There is no medical evidence in support of the allegation regarding assault. The applicants are behind bars for more than six weeks. Further detention of the applicants would not be necessary. In that view of the matter, a case is made out for grant of bail. The observations made in this order are prima-facie in nature and made only for the purpose of disposal of this application. Hence, the following order.

ORDER

[i] The applications are allowed.

[ii] The applicants 1] Shrinivas Ashok Chavan 2] Ravindra Rajebhau Avad and 3] Hanumant Trimbak Zodge, be released on bail in connection with crime No. 243 of 2023, registered at Majalgaon City Police Station, Dist. Beed for the offence punishable under Section 364, 323, 506, r/w. 34 of IPC, on his furnishing Personal Bond and Surety Bond in the sum of Rs. 50,000/- (rupees fifty thousand only) each.

[iii] The applicants shall not directly or indirectly or through any inducement, threat or promise, influence any person acquainted with the facts of the case and also not tamper with the evidence,

[iv] The applicant shall attend the police station Majalgaon city, once in a week on every Saturday between 11.00 a.m. and 2.00 PM. till filing of charge sheet.

[v] The application is accordingly disposed of.

[S.G. CHAPALGAONKAR]
JUDGE

grt/-