

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

ANTICIPATORY BAIL APPLICATION NO.1559 OF 2023  
WITH APPLN/3667/2023 IN ABA/1559/2023

SHUBHAM VINOD KAMBLE AND ANOTHER  
VERSUS  
THE STATE OF MAHARASHTRA

Mr. M. S. Karad, Advocate for the applicants  
Mr. G. O. Wattamwar, APP for the respondent/State  
Mr. P. A. Dhakane, Advocate for the informant

**CORAM : R. M. JOSHI, J.**

**DATE : 12<sup>th</sup> OCTOBER, 2023**

**P.C. :-**

1. Learned counsel Mr. Dhakane has filed application to assist the APP.
2. Having regard to the nature of offence, Criminal Application No. 3667/2023 is allowed to assist the APP.
3. Applicants apprehend arrest in connection with Crime No. 619 of 2023 registered with M.I.D.C. Latur Police Station, District Latur for the offences punishable under Sections 392, 324, 323, 504, 506 r/w 34 of the IPC.
4. The first informant Vilin Birajdar reported to the police incident has occurred on 20/08/2023 at around 10.20 pm. It is alleged that the present applicants came to the spot and picked up quarrel with him and assaulted him. There is also allegation that one of the applicant has

removed cash of Rs.20,000/- from his pocket. In the said incident he sustained injuries.

5. Learned counsel for the applicants submitted that the settlement had arrived at between the parties. Informant has no objection for grant of anticipatory bail. Learned counsel for the informant submits that out of misunderstanding report came to be lodged.

6. Learned APP opposed the application by contending that the appearance of the informant in order to give consent for the grant of anticipatory bail itself indicates that there is interference on the part of the informant in the criminal process initiated by him. He drew attention of the Court to the statement of the informant which gets corroborated by the injury certificate is indicating causing of three injuries to the informant. Thus, according to the learned APP there is no substance in the contention of the applicants and informant about non occurrence of any such incident.

7. Even if contention of the learned APP is accepted this will only indicates that offence punishable under Section 324 of IPC is made out. As far as offence under Section 392 of IPC is concerned, the submissions of informant about the complaint being lodged out of misunderstanding, *prima facie* offence under Section 392 of IPC does not get attracted. In such circumstances, there is no impediment in allowing application.

However, as rightly pointed out by learned APP that this amounts to abuse of criminal process, appropriate cost is required to be imposed on applicants and informant for abusing the process of law. Hence the informant is directed to pay cost of Rs.5,000/- (Rupees Five Thousand only) payable to the Government Pleader Library, Aurangabad. Cost be paid within a period of one week. Hence the following order:

### **ORDER**

- (i) Application is allowed.
- (ii) In the event of arrest applicants in connection with Crime No. 619/2023 registered with MIDC, Latur Police Station, Dist. Latur for the offences punishable under Sections 392, 324, 323, 504, 506 r/w 34 of the IPC, they shall be released on bail on furnishing PR Bond of Rs.15,000/- (Rupees Fifteen Thousand only) each with one surety in the like amount.
- (iii) They shall attend the concerned police station once in a week.
- (iv) They shall not contact the 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.
- (vii) Applicants and informant, jointly and severally, liable to deposit cost of Rs.5,000/- (Rupees Five Thousand only) to Government Pleader Library, High Court, Aurangabad within period of one week from the date of uploading/receipt of this order.

(viii) In case such cost is not paid, order of grant of bail shall stand cancelled and application shall stand dismissed.

**(R. M. JOSHI, J.)**

ssp