

IN THE HIGH COURT OF JUDICATURE OF BOMBAY  
BENCH AT AURANGABAD

ANTICIPATORY BAIL APPLICATION NO.1774 OF 2023

1. Rajnikant @ Rajni Raychand Andhare
  2. Shrikant Raychand Andhare
  3. Liyakat Rajjak Shaikh
- Applicants

Versus

State of Maharashtra & another

Respondents

Mrs. A. S. Jadhavar along with Mr. S. S. Jadhavar, Advocates for the applicants.

Mr. V. S. Badakh, APP for the State.

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

**DATE : 7<sup>th</sup> NOVEMBER, 2023.**

ORDER

1. At the outset, learned counsel for the applicants, on instructions, seeks withdrawal of application qua Applicant No. 1 Rajnikant @ Rajni Raychand Andhare and Applicant No. 3 Liyakat Rajjak Shaikh. Application stands disposed of to their extent.

2. Applicant No. 2 apprehends arrest in connection with Crime No. 787/2023 registered at Shevgaon Police Station, Dist.

Ahmednagar, for the offences punishable under Sections 327, 324, 323, 504 and 506 read with Section 34 of Indian Penal Code.

3. Kamruddin Dagdu Sheikh reported to the police about the incident occurred on 12<sup>th</sup> August, 2023 at around 12.00 noon. He along with his nephew had been to ATM for withdrawal of amount. They withdrew Rs. 20,000/- and thereafter they were going in four wheeler towards Bodhgaon bus depot. At that time, applicants obstructed them. He was asked to get down of the car. Co-accused questioned him as to why he gave tip to the police about the club and because of him there is a raid of police on it. It is further stated that they abused and started beating informant with fists and kicks blows. Allegation against the co-accused is that he assaulted him with iron rod and another accused snatched amount of Rs.20,000/- withdrawn from ATM.

4. Learned counsel for applicant No. 2 submits that there is no allegation against the present applicant of causing any assault with weapon. It is also stated that the allegation of alleged snatching of amount is also against co-accused. Thus, according to her, this is a fit case for grant of anticipatory bail.

5. Learned APP opposed the application by referring to the First Information Report as well as statement of witness recorded during the course of investigation. It is his contention that all the accused came together which indicates their common intention and as such present applicant also is not entitled to pre-arrest bail.

6. Even if contention of informant is accepted to be true, as far as applicant No. 2 is concerned, there is no allegation that he was having any weapon with him or used the same in order to cause assault. Assault caused to him is by fists and kicks blows. There are no serious injuries caused to the informant and as such offence against present applicant may not travel beyond Section 323 of Indian Penal Code. In absence of any allegation against him of snatching cash from the informant, his custodial interrogation is not necessary. In the result, application is allowed qua applicant No. 2. Hence, the following order :-

**ORDER**

- (i) Application stands dismissed qua Applicant No. 1 Rajnikant @ Rajni Raychand Andhare and Applicant No. 3 Liyakat Rajjak Shaikh, as withdrawn.

(ii) Application is allowed qua applicant No. 2 Shrikant Raychand Andhare.

(ii) In the event of arrest of applicant No. 2 Shrikant Raychand Andhare in connection with Crime No. I-787/2023, registered with Shevgaon Police Station, Dist. Ahmednagar, for the offences punishable under Sections 327, 324, 323, 504, 506 read with Section 34 of the Indian Penal Code, he be released on bail on furnishing PR Bond of Rs. 15,000/- (Rs. Fifteen Thousand only) with one surety in the like amount.

(iii) He shall attend the concerned police station once in a week.

(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 the investigating agency for further investigation.

( R. M. JOSHI)  
Judge