

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

ANTICIPATORY BAIL APPLICATION NO.1684 OF 2022

**SWAPNIL PRAKASH BAVISKAR AND ANOTHER
VERSUS**

THE STATE OF MAHARASHTRA AND ANOTHER

...

Mr. Shailendra S. Gangakhedkar, Advocate for Applicants

Mr. A.A. Jagatkar, APP for Respondents – State

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CORAM : NITIN B. SURYAWANSHI, J.

DATE : 14th FEBRUARY, 2023

PER COURT :

1. Applicants apprehend arrest in Crime No.657/2022, registered with Dhule Taluka Police Station, District Dhule, for offences punishable under sections 341, 327, 323, 504 r/w 34 of the Indian Penal Code.

2. On 16/11/2022, Nikhil Ashokkumar Jain who is a businessman residing at Chalisgaon, lodged the FIR contending that he is running travel agency by name 'Ashwini Travels'. He has three luxury buses. One of the buses bearing registration No.MH-19-CY-1530 is plying between Chalisgaon to Surat. Firoz Dagadu Shah is driver on the said bus. The said bus was purchased by him by taking loan from Shriram Finance, Chalisgaon.

On 07/11/2022, at about 08:30 p.m. the said bus proceeded towards Surat from Chalisgaon. There were 27

passengers on board. At about 10:30 p.m. he received call from driver Firoz informing that near Shirud Choufuli (square) one Mahindra XUV 500 bearing registration No.MH-14-DK-1212 started following the luxury bus. Persons in the said vehicle stopped the bus near village Gartad. 7 to 8 persons got down from the said vehicle and started abusing and manhandling driver saying that he tried to dodge them. At about 11:30 p.m. Firoz again called him and informed that 7 to 8 persons from the said vehicle have manhandled him and took away the vehicle towards Songir. Next day one of the passengers in the vehicle called him and told that passengers were dropped at Surat and the driver took away the bus. In the afternoon he received call from Mr. Aasaram Jogdand, Manager, Shriram Finance, Chalisgaon Branch, informing that 7 installments of Rs.30,000/- are due and that is why they have taken possession of the luxury bus. Informant, therefore, alleged that the bus was illegally seized by using muscle power. No notice was issued to him before seizure of the bus. He, therefore, lodged the FIR against 7 to 8 persons who had come in Mahindra XUV 500 vehicle bearing registration No. MH-14-DK-1212.

3. Heard learned advocate for applicant and learned Additional Public Prosecutor for State. Perused the investigation papers.

4. In the identification parade conducted, both the applicants are identified by the driver of the luxury bus. Luxury bus is seized from the company yard of Shriram Finance company at Surat. Both the applicants have played active role in illegally seizing the bus. Applicants are involved in serious offence as they have forcibly taken possession of the bus.

5. Custodial interrogation of the applicants is necessary to ascertain names of the absconding accused persons. The vehicle Mahindra XUV 500 bearing registration No. MH-14-DK-1212 used by accused is yet to be recovered. Applicants are absconding since 16/11/2022 i.e. from the date of registration of offence.

6. Though the applicants were granted interim protection and they claim to have cooperated in the investigation, taking into consideration the serious allegations levelled against them and as their custody is necessary for effective investigation, I am not inclined to grant protection to the applicants. Application is, therefore, rejected.

7. Learned advocate for applicants prays for continuation of interim protection granted to the applicants for a period of three weeks. Interim protection granted to the applicants is continued for three weeks from today.

(NITIN B. SURYAWANSHI, J.)