



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

ANTICIPATORY BAIL APPLICATION NO.1793 OF 2023

Chotu Khandu Jopale ... APPLICANT

VERSUS

The State Of Maharashtra And Another .. RESPONDENT

Mr. Joydeep Chatterji, Advocate for the applicant
Mr. M. K. Goyanka, APP for the respondent/State

AND

ANTICIPATORY BAIL APPLICATION NO. 1656 OF 2023

1. Subhash S/o Vijaysing Sonawane
2. Shivdas s/o Asaram Bhil
3. Nitin s/o Lakshman Bhil ... APPLICANTS

VERSUS

1. The State of Maharashtra
2. Superintendent of Police ... RESPONDENTS

Mr. Joydeep Chatterji, Advocate for the applicants
Mr. M. K. Goyanka, APP for the respondent/State

AND

ANTICIPATORY BAIL APPLICATION NO.1894 OF 2023

**KIRAN RAMRAO MORE
VERSUS
THE STATE OF MAHARASHTRA**

Mr. S. S. Ghodke, Advocate for the applicants
Mr. M. K. Goyanka, APP for the respondent/State

CORAM : R. M. JOSHI, J.

DATE : 7th DECEMBER, 2023

P.C. :-

1. In ABA No. 1793 of 2023 and ABA No. 1656 of 2023 Applicants apprehend arrest in connection with Crime No. 190 of 2023 registered with Shirpur Taluka Police Station, Tq. Shirpur, Dist. Dhule for the offences punishable under Sections 307, 143, 147, 149, 324, 336, 427, 323, 504, 506 of IPC and under Sections 37(1)(3), 135 of Maharashtra Police Act, 1951.
2. In ABA No. 1894 of 2023 Applicant apprehends arrest in connection with Crime No. 188 of 2023 registered with Shirpur Taluka Police Station, Tq. Shirpur, Dist. Dhule for the offences punishable under Sections 353, 307, 143, 144, 147, 148, 149, 341, 324, 326, 336, 337, 332, 427 of IPC, under Sections 4/25 of Arms Act, under Section 7 of the Code of Cri. Procedure and Section 3 of Prevention of Damage to Public Property Act and Sections 37(1)(3), 135 of Maharashtra Police Act, 1951.
3. First information report lodged by Kanha Charan shows that some incident had occurred on 10/08/2023 at around 6.30 pm. There is allegation that at that time there was a pelting of stones on the houses in his area. He found about 50 persons including present applicant pelting stones and were having iron rod, wooden sticks, bricks etc. with

them. It is alleged that accused persons came there with the intention to commit murder Shankar Saran was assaulted on his head with iron rod. In the said incident number of persons sustained injuries.

4. Learned counsel for the applicants in ABA No. 1793 of 2023 and ABA No. 1656 of 2023 submits that the report is lodged belatedly by the informant herein and the report lodged by the one of the applicant Subhash is lodged immediately which indicates that the applicants are in fact victims of the crime. It is further submission that the first report in respect of the said incident came to be lodged at the instance of police personnel who has not named present applicants to be the persons present at the spot of the incident. In any case it is there contention that in absence of any specific overt act alleged against them or any recovery is to be done at their instance, their custody is not required.

5. Learned counsel for the applicant in ABA No. 1894 of 2023 submits that even against this applicant no overt act has been alleged.

6. Learned APP opposed the application with the contention that considering the lodging of three reports in respect of the some incident, the incident has definitely occurred. He also drew attention of the Court to the injury certificates indicating that number persons sustained injuries in the said incident. Thus, according to him it is not a fit case for

protecting their liberty.

7. Learned APP opposed the application by contending that the applicant in ABA No. 1894 of 2023 is found to be present at the spot as found from the statement of witnesses.

8. All three reports clearly shows that more than 100 persons had gathered at the spot of incident. In one of the reports there is specific allegation has been made against any person of causing any particular overt act. No doubt number of persons sustained injuries in the said incident, however, for the purpose of seeking custodial interrogation of the applicants there has to be specific allegations alleging overt act against them or the recovery of any weapons. Record does not show any overt act being committed by the applicant in ABA No. 1894 of 2023 . Hence, there is no reason to deny to anticipatory bail application. It is informed to the Court that there is no criminal history against applicants. Having regard to the aforesaid facts, their custodial interrogation is not necessary. Hence, applications are allowed in terms of interim order.

(R. M. JOSHI, J.)

ssp