



IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

ANTICIPATORY BAIL APPLICATION NO. 62 OF 2024

Vipul @ Dnyaneshwar Aasaram GaikwadApplicant

VERSUS

The State Of Maharashtra And AnotherRespondents

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Mr. S.J. Salunke, Advocate for applicant.

Mr. S.B. Jadhav, APP for respondents.

Mr. S.J. Salgar, Advocate assisting APP.

WITH

ANTICIPATORY BAIL APPLICATION NO. 2060 OF 2023

Sumit Ganpatrao KolpeApplicant

VERSUS

The State Of Maharashtra And AnotherRespondents

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Mr. S.J. Salunke, Advocate for applicant.

Mr. S.B. Jadhav, APP for respondents.

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[CORAM : NITIN B. SURYAWANSHI, J.]

DATE : 12th FEBRUARY, 2024

ORDER :

1. Applicants apprehend arrest in C.R. No. 327 of 2023, registered with Shivaji Nagar Police Station, Dist. Beed, for offences punishable under sections 160, 307, 324, 326, 323, 504, 506, 143, 147, 148, 149 of Indian Penal Code, under section 3, 4/25 of Arms Act, and under section 135 of Maharashtra Police Act.

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2. FIR is lodged by API Amol Gurle alleging that on 16.06.2023 at 22.15 on receipt of information that there are clashes between two groups at Kalika Nagar, Balepir, Beed, he rushed along with police personnel. Two groups of 25 to 30 persons were scuffling there and assaulting each other. Dnyaneshwar alias Vipul Gaikwad took out country made pistol and was indiscriminately firing on the group. Deepak Gaikwad was having sword and assaulted persons of Jadhav group. Santosh Jadhav was assaulting persons from Asaram Gaikwad group. At that time white color Swfit Car bearing registration No. MH-20-GK-3232 came from village Charhata and some persons carrying sticks and swords alighted from it. Thereafter, police used force and dispersed the crowd.

3. Heard learned advocate for applicants and learned APP for respondents assisted by learned advocate for applicant in Criminal Application No. 379/2024. Perused the investigation papers.

4. After arguing at length on merits when this Court was not inclined to grant relief to applicant- Vipul @ Dnyaneshwar Aasaram Gaikwad, learned advocate for applicant on instructions seeks permission to withdraw the application of

applicant- Vipul @ Dnyaneshwar Aasaram Gaikwad. Permission granted. Anticipatory Bail Application No. 62 of 2024 of applicant Vipul @ Dnyaneshwar Aasaram Gaikwad is dismissed as withdrawn.

5. Charge sheet in the present crime is filed on 13.09.2023. On perusal of charge sheet it appears that general and omnibus allegations are made against applicant- Sumit Kolpe and no specific role is attributed to him. Applicant- Sumit Kolpe has no criminal antecedent and nothing is to be recovered from him. Since charge sheet is filed, pre-trial custodial detention of applicant- Sumit Kolpe is not warranted in the facts of the present case.

6. In the result, Anticipatory Bail Application No. 2060 of 2023 is allowed by confirming interim protection order dated 18.12.2023.

7. Applicant shall not in any manner influence prosecution witness.

[NITIN B. SURYAWANSHI, J.]