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IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

ANTICIPATORY BAIL APPLICATION NO.133 OF 2024

Kumar Ramdas Kachare

APPLICANT

VERSUS

The State of Maharashtra and Another

RESPONDENTS

.....
Mr. Vijay P. Latange, Advocate for the applicant
Mr. S. R. Wakle, APP for respondent - State
.....

[CORAM : NITIN B. SURYAWANSHI, J.]

DATE : 22nd APRIL, 2024

ORDER :

1. Applicant apprehends arrest in connection with Crime No. 1568 of 2023 registered with Kotwali Police Station, District - Ahmednagar for offence punishable under sections 307, 341, 504, 506 read with 34 of the Indian Penal Code.
2. FIR is lodged by Harshad Manoj Chawala, contending that on 20th December, 2022, at about 11.00 p.m. he made call to police authorities stating that gambling activities are going on in hotel Vaishnavraj, Kedgaon. Accordingly, police authorities took action. On 21st December, 2022, at 12.00 midnight, informant again informed the police authorities about the gambling activities in said hotel, but police did not take any action. However. At 4.24 a.m., informant received a missed call on his

mobile, but he did not attend the said call. On 23rd December, 2022, at 4.30 p.m. informant again received phone call from said number, which the informant attended and the caller identified himself as Pradeep Rane, friend of Prashant Pawar. On 25th December, 2022, informant noticed gambling activities at Hotel Vanshnavraj. On 25th December, 2023, while informant was proceeding on his bike, at 9.30 p.m. and was passing from MSEB sub station, that time accused and his acquaintance Kumar Kachare, accosted him and abused him in filthy and vulgar language and castigated him why he had made complaints regarding their gambling activities to police. Accused Prashant Pawar assaulted him with chopper on his head. Complainant saved himself by putting his hand and received injuries to his hand. Thereafter Accused Prashant, Asad and Kumar were saying to kill informant as has been told by Kiran Kale and Sanjay Zinje. Accordingly accused Asad dealt second blow by chopper which landed on his right holder, and while he started running away, accused Prashant gave third blow by chopper which landed on his left arm.

3. Heard learned advocate for applicant and learned APP for the State. Perused the papers of investigation.

4. FIR indicates that the only role attributed to applicant is

that, he was present at the spot of incident at the relevant time and he along with co-accused, was talking that informant should be killed as per say of Kiran Kale and Sanjay Zinje. Except this, no overt-act is attributed to applicant. Applicant has no criminal antecedents. Nothing is to be recovered from him. Therefore, pretrial custodial detention of applicant is not necessary.

5. Application is, therefore, allowed by confirming interim protection.

6. Till filing of the charge sheet, applicant shall attend the concerned police station as and when called by Investigating Officer. Applicant shall not tamper prosecution evidence.

**[NITIN B. SURYAWANSHI]
JUDGE**