



IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
BENCH AT AURANGABAD.

57 ANTICIPATORY BAIL APPLICATION NO. 209 OF 2024

1. Jitendra Chhotu Pawar
2. Jayram @ Jayraj Subhash Padvi
3. Meghraj Ramesh Thakare
4. Dinesh Dashrath Padvi

..APPLICANTS

-VERSUS-

1. The State of Maharashtra
and another.

..RESPONDENTS

Advocate for Applicants : Mr. Kulkarni Suniket Anil
APP for Respondent/State : Ms.M.L. Sangit

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CORAM : **SHIVKUMAR DIGE, J.**

DATE : 12th August, 2024.

P.C.:

1. Heard the learned counsel for the applicants and the learned APP.
2. After hearing for some time, when this Court expressed disinclination to allow the application of applicant no.1 – Jitendra Pawar, the learned counsel for the applicants, on instructions, seeks leave to withdraw the application to the extent of applicant no.1.
3. Leave granted. The application is dismissed as withdrawn of applicant no.1.
4. In respect of applicant nos.2 to 4, the applicants apprehend arrest in connection with FIR No.343 of 2023 registered with Mhasawad Police Station, Dist. Nandurbar, for the offences punishable

under sections 307, 323, 143, 144, 147, 148, 149, 284, 504, 506 of the Indian Penal Code (For short, "IPC").

5. It is prosecution's case that on 5th December, 2023, when the informant was in fast asleep someone knocked the door of house of informant. Informant opened the door. Then co-accused Sawan Pawar slapped on the face of the informant and took him out of the house. It is alleged that co-accused Jitendra Pawar gave blow of glass bottle on the head of informant. It is alleged that at that time co-accused Ganesh Pawar and Fayraj Padavi were instigating to kill the informant. It is alleged that co-accused Sawan Pawar took out the knife from shirt pocket and assaulted on the chest of the informant. It is alleged that at that time, applicant nos.2 and 3 and other co-accused poured the petrol from the plastic bag on the informant and applicant no.4 had tried to set on fire to the informant by igniting the match-stick but said match-stick did not ignite. Due to shouts of the informant, the wife of the informant came there and she shouted. By hearing shouts of wife of informant, his uncle came there by seeing them it is alleged that the applicant and co-accused ran away.

6. It is contention of the learned counsel for the applicants that, the allegations against the applicants are that they poured petrol on the person of the informant and applicant no.4 tried to set him on fire. The learned counsel further submitted that nothing is recovered from the incident spot to show that the petrol was poured on the person of

informant nor petrol mixed clothes of the informant are seized by the police. It shows the applicants have been falsely implicated in this case. Considering the allegations against the applicants, their custodial interrogation is not required and requested to allow the application.

7. It is contention of the learned APP that the applicants along with co-accused assaulted the informant with intention to kill him. The other co-accused assaulted the informant with glass bottle and knife whereas the applicants poured the petrol from the plastic bag on the person of the informant and applicant no.4 tried to set him on fire. Considering the allegations against the applicants, their custodial interrogation is required and requested to reject the application.

8. I have heard both the learned counsel. Perused the F.I.R. and police papers produced on record.

9. The allegations against the applicants are that they poured petrol from the plastic bag on the informant and applicant no.4 tried to ignite the match-stick and set him on fire. The police has prepared the spot panchanama and recovered two plastic bags from the incident spot, but the police has not seized the clothes of the informant. In the spot panchanama, it is not stated that there is smell of petrol from the said bags. Considering these facts, the custodial interrogation of the applicants is not required and I pass the following order :-

ORDER

(i) The application is allowed.

(ii) In the event of arrest of the applicant nos.2, 3 and 4 in connection with FIR No.343 of 2023 registered with Mhasawad Police Station, Dist. Nandurbar, for the offences punishable under sections 307, 323, 143, 144, 147, 148, 149, 284, 504, 506 of the Indian Penal Code, the applicants be released on executing personal bond in the sum of Rs.15,000/- each with one surety of the like amount by each of them, on the following conditions :-

(a) the applicants shall attend the concerned police station as and when required by the Investigating Officer.

[SHIVKUMAR DIGE, J.]

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