



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

ANTICIPATORY BAIL APPLICATION NO. 217 OF 2024

1. Umesh Subhash Harnawal
2. Ganesh Subhash Harnawal ... Applicants

VERSUS

The State Of Maharashtra
And Another ... Respondents

.....
Mr. A.B. Gaikwad, Advocate for Applicant
Mr. C.V. Bhadane, APP for Respondents – State
.....

[CORAM : NITIN B. SURYAWANSHI, J.]

DATE : 02nd MAY, 2024

ORDER :

1. Applicants apprehend arrest in Crime No.540 of 2023, registered with Mantha Police Station, District-Jalna for offences punishable under sections 143, 279, 327, 336, 504, 506 of the Indian Penal Code.

2. FIR is lodged by Sanjay Aakatrao Gadade alleging that on 26.12.2023, at about 4.30 p.m., he was going to his house by walking from Watur Phata. When he came in front of Mantha Bus Stand, Umesh Harnawal came in front of him and manhandled him on account of a previous quarrel. Ganesh Harnawal came from the back side on a motorcycle and he

gave a dash to him by motorcycle. He fell down on the road. Both beat him by fists and kick blows. Umesh Harnawal snatched an amount of Rs.30,000/-, his spectacles and medicine from his pocket. He threatened to kill him. Uttam Sonunkar intervened in the quarrel. He went to police station. After taking treatment in the Government Hospital, Mantha, he again went to police station. At that time, his son Ganesh informed him on phone that Umesh Harnawal, Ganesh Harnawal, Shivaji Harnawal, Bandu Sonunkar, Shankar Sonunkar and Kalinda Gadade chased him and his mother Damayanti by taking sickle and sword in their hands.

3. Heard learned advocate for applicants and learned APP for respondent - State. Perused the Investigation papers.

4. It is the case of applicants that applicants' father lodged FIR at C.R. No.0539/2023 with Mantha Police Station, District-Jalna against Ganesh Sanjay Gadade, Damayanti Sanjay Gadade and Sanjay Aakatrao Gadade alleging that they have committed offence under sections 324, 325, 327, 504, 506 read with section 34 of the Indian Penal Code. With a view to give counter blast to the said FIR, applicants are falsely implicated in the present crime.

5. It appears that now a days it has become a fashion to allege in the FIR that gold ornaments or money is snatched from informant, so as to increase the gravity of offence. In the FIR in question also, it is alleged that applicant Umesh has taken away spectacles, Rs.30,000/- and medicine from informant's pocket. Applicants have no criminal antecedents, they are not habitual offenders to indulge in forcefully taking amount from the pocket of informant. *Prima facie*, the said allegations are unbelievable.

6. In the FIR lodged by applicants' father also, similar allegations are made that Sanjay Gadade snatched his gold chain weighing 10 gms. at the time of assault.

7. Taking into consideration the FIR lodged by applicants' father at earlier point of time, possibility cannot be ruled out that applicants are falsely implicated in the present crime.

8. Applicants were granted interim protection and they have co-operated in investigation. Applicants have no criminal antecedents, therefore, their pre-trial custodial detention is not necessary in the facts of the present case.

9. Application is therefore allowed by confirming interim protection granted to applicant by order dated 14.02.2024.

10. Till filing of charge-sheet, applicants shall attend the concerned police station as and when called by the Investigating Officer. Applicants shall not tamper prosecution evidence.

**[NITIN B. SURYAWANSHI]
JUDGE**