



drp

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

ANTICIPATORY BAIL APPLICATION NO.442 OF 2024

- | | | |
|----|------------------------|------------|
| 1. | Vinod Ganeshrao Shinde | APPLICANTS |
| 2. | Nilesh Ramesh Bhagawat | |

VERSUS

The State of Maharashtra and Another	RESPONDENTS
--------------------------------------	-------------

.....
Mr. Sujit S. Kulkarni, Advocate for the applicants
Mr. C. V. Bhadane, APP for respondent - State
.....

[CORAM : NITIN B. SURYAWANSHI, J.]

DATE : 17th APRIL, 2024

ORDER :

1. Applicants apprehend arrest in connection with Crime No.777 of 2023 registered with Akhada Balapur Police Station, District - Hingoli for offence punishable under sections 353, 332, 341, 504 of the Indian Penal Code.

2. FIR is lodged by Abdul AliKha Pathan alleging that on 18th December, 2023, while he was on duty as bus conductor and bus was going from Nanded to Nagpur with passengers, accused No.1 Ganesh purchased bus ticket for Umarkhed and asked him why he charged Rs.10 extra for the ticket. Upon that informant suggested accused No.1 that he can file complaint and may ask

his department. Accused No.1 abused informant and threatened him that he will show him. Informant informed the said fact to controller Jahgirdar. Controller, gave proper understanding to both accused No.1 and informant and they both apologized to each other and again journey was started. However, when the bus reached on flyover of Waranga basti, both the applicants came on motorcycle and restrained the bus and accused No.3 Vinod started assaulting informant with fists and kick blows on his stomach and head. One "Kada" (metal bangle) was also used in the assault.

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

4. It *prima facie* appears from investigation papers that applicant No.1 Vinod Ganeshrao Shinde has assaulted informant with metal bangle, due to which informant suffered contusion over scalp and blunt trauma over chest. Assault by applicant No.1 Vinod is supported by statement of eyewitness. Applicant No.1 has assaulted a public servant, who was discharging his duty and has used criminal force against him and weapon allegedly used in crime is yet to be recovered. Considering his involvement in the crime, applicant No.1 Vinod is not entitled for discretionary relief of anticipatory bail.

6. So far as applicant No.2 Nilesh Ramesh Bhagwat is concerned, though his presence is stated by eyewitness and informant, it *prima facie* appears that he has not participated in actual assault on informant. Hence, custodial interrogation of applicant No.2 is not necessary, as nothing is to be recovered from him. Hence, the following order.

ORDER

- A. Application of applicant No.1 Vinod Ganeshrao Shinde is rejected.
- B. Application of applicant No.2 is allowed. In the event of arrest of applicant No. 2 Nilesh Ramesh Bhagawat in connection with Crime No.777 of 2023 registered with Akhada Balapur Police Station, District - Hingoli for offence punishable under sections 353, 332, 341, 504 of the Indian Penal Code, applicant No.2 be released on executing Personal Bond and Surety Bond of Rs.15,000/- with one surety in the like amount.
- C. Till filing of the charge sheet, applicant No.2 shall attend the concerned police station as and when called by the Investigating Officer. Applicants shall not tamper prosecution evidence.

[NITIN B. SURYAWANSHI]
JUDGE