



IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

ANTICIPATORY BAIL APPLICATION NO. 505 OF 2024

Sachin Tulashiram Pawar

....Applicant

VERSUS

The State Of Maharashtra And Another

.....Respondents

.....

Ms. S.G. Sonawane, Advocate for applicant

Mr. R.B. Dhaware, APP for State

Mr. A.N. Barhate Patil, Advocate for informant

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[CORAM : NITIN B. SURYAWANSHI, J.]

DATE : 22nd APRIL, 2024

ORDER :

1. Applicant apprehends arrest in C.R. No. 80/2024, registered with Sonai Police Station, Newasa, Dist. Ahmednagar, for offences punishable under sections 307, 326, 324, 323, 341, 327, 109, 506, 143, 147, 148, 149 of the Indian Penal Code and section 4/25 of the Arms Act.

2. FIR is lodged by Namdev Korde while he was admitted in the City Care Hospital, Ahmednagar on 24.02.2024, in respect of incident dated 20.02.2024, alleging that on 20.02.2024 at about 2.10 pm, he along with his two friends namely Sandeep Kale and Somnath Lande were proceeding on

Bhagyawant Punde

motorcycle of one Navnath Kale. He was on pillion seat, whereas Somnath Lande was driving the motorcycle. They were going to a mechanic where the tyre of tractor was kept for repairing the puncture. When they reached near Mahadev temple, Dadasaheb and co-accused Vaibhav Wagh came across their motorcycle and said that *"you are supporting the complainant in the case of molestation of minor girl which occurred in the church and on that count, Uttam Vairagar is detained in jail"*. Due to said anguish, accused Vaibhav Wagh gave a forceful slap on the backside of head of informant and Dadasaheb said that *"now you are got in our clutches"*. At that time, Dadasaheb called his friends namely Sachin Pawar (applicant), Sachin Vairagar, Abhishek Tribhuvan, Ganesh Vairagar and Bapu Vairagar. Thereafter, Dadasaheb rushed on the person of informant carrying sword in his hand and tried to inflict injuries, but informant started running away and at that time, accused Vaibhav Wagh has pelted small stones by means of *gulvari*. The stones are hit on the right eye and on the head of informant. Accused Ganesh beaten him by means of iron pipe and applicant assaulted him on his legs and back by means of wooden log. Sachin Vairagar assaulted him by means of iron pipe and Abhishek assaulted him by stick and fist and kick blows. Accused

Dadasaheb snatched a yellow metal chain from the neck of informant and given threats of dire consequences. All the accused have also assaulted friends of informant. Due to said incident, informant has sustained bleeding and serious injuries and fallen down on the ground. Friends of informant have taken him to the Sonai Police Station and they have referred informant to Sonai Rural hospital. However, his health was serious and therefore he was shifted to Civil Hospital, Ahmednagar. Thereafter, due to his serious medical condition he was shifted to private hospital namely City Care Hospital, Ahmednagar. His statement was recorded by police in the said hospital. Due to injuries received by him, his cheek bone was fractured.

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

4. During the investigation it is transpired that applicant was not present on the spot at the time of incident. Investigating officer has collected CCTV footage of Yash Academy College, Sonai and as per the CCTV footage, at the relevant time, applicant was present at the college. Investigating officer has given no objection to grant anticipatory bail to applicant.

5. In that view of the matter, application is allowed by confirming interim protection granted to applicant by order dated 1st April, 2024.

6. Till filing of charge sheet, applicant shall attend the concerned police station as and when called by investigating officer and shall co-operate in the investigation. Applicant shall not tamper the prosecution evidence.

[NITIN B. SURYAWANSHI, J.]