



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

959 ANTICIPATORY BAIL APPLICATION NO. 598 OF 2024

1. Adinath Navnath Mule
 2. Dnyaneshwar Kacharu Todmal
 3. Rushikesh Balasaheb Jawale
- ..APPLICANTS

-VERSUS-

The State of Maharashtra

..RESPONDENT

Advocate for Applicants : Mr. Kotkar Sanjay D.
APP for Respondent/State : Mr.S.B. Narwade
Advocate for assist to P.P. : Mr. D. S. Ingole

...
WITH
ANTICIPATORY BAIL APPLICATION NO. 2117 OF 2023

RAHUL @ RAMA NAVNATH MULE
VERSUS
THE STATE OF MAHARASHTRA

Advocate for Applicant : Mr. Jadhav Satej S.
APP for Respondent/State : Mr.S.B. Narwade
Advocate for assist to P.P. : Mr. D. S. Ingole

...
CORAM : **SHIVKUMAR DIGE, J.**

DATE : 25th September, 2024.

P.C.:

1. The applicants in both the applications are accused out of the same F.I.R., hence I am deciding these two bail applications by this common order.
2. The applicants apprehend arrest in connection with FIR No.627 of 2023 registered with Vaijapur Police Station, Dist. Aurangabad, for the offences punishable under sections 341, 395, 427, 504, 506 of the Indian Penal Code (For short, "IPC").

3. It is prosecution's case that on 3rd December, 2023 around 10:30 p.m., when the informant loaded sand in Tata-912 bearing no. MH-20 JC-2742 from the river bed and he was going up around 12:15 a.m., his vehicle was intercepted by the vehicle of the applicants. It is alleged that the applicants and other persons pulled the informant from his vehicle and beaten up with fist and kick blows. It is alleged that the applicants and unknown persons took the mobile hand set, gold ring and amount from the pocket of the informant.

4. It is the contention of the learned counsel for the applicants that the applicants have been falsely implicated in this case. The applicants were not present at the time of incident. The matter is settled between the informant and applicants and requested to allow these applications.

5. It is the contention of the learned APP that the applicants and other persons assaulted the informant. They snatched the gold ring from the finger of the informant. They took out amount of Rs.6,500/- from the pocket of the informant and beaten up him. It shows involvement of the applicants in the crime. Considering the allegations against the applicants, their custodial interrogation is required and requested to reject the applications.

6. It is contention of the learned counsel for assisting the P.P. that the matter is settled between the applicants and informant and informant has filed affidavit in that regard. Informant has no objection

to allow the applications.

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

8. The allegations against the applicants are that they assaulted the informant and took out gold ring and amount of Rs.6,500/- from his pocket. Considering the allegations against the applicants as well as the matter is settled between the applicants and informant, custodial interrogation of the applicants is not required and I pass following order:-

ORDER

(i) The applications are allowed.

(ii) In the event of arrest of the applicants in connection with FIR No.627 of 2023 registered with Vaijapur Police Station, Dist.Aurangabad, for the offences punishable under sections 341, 395, 427, 504, 506 of the Indian Penal Code, the applicants be released on executing personal bond in the sum of Rs.20,000/- 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.

(b) the applicants shall not indulge in similar offences.

(iii) It is made clear that the observations made in this order are prima facie in nature and the trial Court shall not get influenced by the same and decide the trial on its own merits.

[SHIVKUMAR DIGE, J.]

sga