



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

64 ANTICIPATORY BAIL APPLICATION NO. 641 OF 2024

1. Aniket Anil Vairagad
 2. Anil Trimbak Vairagad
 3. Santosh Trimbak Vairagad
 4. Ankush Trimbak Vairagad
 5. Pritesh Digambar Vairagad
 6. Narmadabai Trimbak Vairagad
 7. Anita Anil Vairagad
 8. Sapna Santosh Vairagad
 9. Sharda Ankush Vairagad
- ...Applicants

Versus

1. The State of Maharashtra
 2. The Commissioner of Police
Aurangabad
- ...Respondents

...

Advocate for Applicants : Mr. Abhaysinh K. Bhosle

APP for Respondents: Mr. R.B. Dhaware

Advocate to assist A.P.P. : Mr. S. S. Varma

.....

CORAM : SHIVKUMAR DIGE, J.
DATED : 22nd JULY, 2024.

PER COURT :-

1. The applicants apprehend arrest in connection with crime No. 133 of 2024 registered with Cantonment Chavani Police Station, district Aurangabad, for the offences punishable under sections 307, 452, 143, 147, 149 of Indian Penal Code.

2. It is the prosecution's case that the informant Shri Hemant Gangawane lodged a report on 19.3.2024 alleging that on

24.10.2023 at about 9.00 p.m. when the mother of the informant was out of house, the applicants and main accused came there, abused, threatened and assaulted her and by doing the house trespass caused damage to the property. Therefore, his mother lodged the C.R. No. 525 of 2023 with the police. But the police have not registered the offence with the help of police head constable Shri Garje. Since then the applicants were threatening the informant and his family members to withdraw the complaint but the informant refused to withdraw the said complaint. It is again on 21.11.2023 at about 12.30 a.m. all the applicants came at the house of the informant alongwith sticks, iron rods, iron pipes, knife in their hands and attacked on their house. They started abusing them. The informant and his family members did not open the door due to fear. The applicants and other 7 to 8 persons gave kick blows on the door and opened the door. It is alleged that the applicant Nos. 1 to 5 caught hold the collar of the informant. The applicants assaulted him by iron rods and iron pipes. When the mother of the informant came to rescue him, 6 to 8 ladies assaulted her with sticks and pulled her hairs. Applicant Nos. 1 to 3 outraged the modesty of the mother of the informant by pulling her saree. It is alleged that the informant somehow pushed them behind but they broke his mobile and side mirror of his car. The neighbourers came there and rescued the informant and his family members. It is alleged that the incident is

recorded in CCTV camera.

3. It is the contention of the learned counsel for the applicants that the applicants have been falsely implicated in this crime. There is delay of 2 months to lodge the complaint before the Magistrate. Learned counsel further submitted that there are no injury certificates of the informant or his family members to show that they had suffered injuries in the said incident. Learned counsel further submitted that considering the allegations against the applicants, their custodial interrogation is not required and hence requested to allow the application.

4. It is the contention of the learned APP assisted by Mr. Verma, learned counsel, that the applicants trespassed in the house of the informant. They opened the door of the house of the informant by breaking it and assaulted the informant and his family members. Learned A.P.P. further submitted that the information about the said incident was given to the police but the police did not register the F.I.R. Hence, the complaint was filed before the J.M.F.C. and on the order of the J.M.F.C. offence is registered against the applicants. Learned A.P.P. further submitted that the applicants are influential persons, if they are released on bail, they may pressurize the prosecution witnesses and the informant. Considering the

allegations against the applicants, their custodial interrogation is required and requested to reject the application.

5. I have heard all the learned counsel. Perused the F.I.R. and the police papers produced on record. There is delay of two months in lodging the complaint with the J.M.F.C. Though the allegations against the applicants are that they assaulted the informant and his family members, but no injury certificate is produced on record to support the said contention. Considering the allegations against the applicants, their custodial interrogation is not required. Hence I pass the following order :-

ORDER

- (i) The application is allowed.
- (ii) The interim anticipatory bail granted to the applicants vide order dated 22.04.2024 stands confirmed on the same terms and conditions with following modification :-
 - (a) the applicants shall attend the concerned police station as and when required by the Investigating Officer.

(SHIVKUMAR DIGE, J.)