



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

ANTICIPATORY BAIL APPLICATION NO. 730 OF 2024

. Bhaiya @ Kayyumoddin Kutubuddin Shaikh
Age: 35 years, Occu.: Agri. & Business,
R/o. Devgaon, Tq.Newasa,
Dist.Ahmednagar.Applicant
(Orig. Accused)

Versus

1. The State of Maharashtra
Through its Investigating Officer,
Newasa Police Station,
Tq.Newasa, Dist.Ahmednagar.
2. The superintendent of Police,
Ahmednagar.Respondents

.....
Advocate for Applicant : Mr. Narayan B. Narwade
APP for Respondents : Mr.N.D.Batule
....

CORAM : ABHAY S. WAGHWASE, J.

**RESERVED ON : 08 MAY, 2024
PRONOUNCED ON : 10 MAY, 2024**

ORDER :-

1. On account of registration of Crime no.1100 of 2023 at
Newasa Police Station, Dist.Ahmednagar, on 23-11-2023 for
commission of offence under Sections 354, 327, 324, 323, 504, 506,
143, 147, 148, 149 of the Indian Penal Code (IPC) read with Section

3, 25 of the Arms Act, applicant is seeking grant of anticipatory bail.

2. Inviting attention of the Court to the FIR, learned Counsel for applicant pointed out that alleged occurrence is of 22-11-2023 but there is no prompt FIR, rather FIR is registered on next day. He pointed out that as far as present applicant is concerned, there are allegation of issuing threats, beyond this, there is no accusation. He pointed out that this Court had already granted relief of anticipatory bail to co-accused namely Amol Uttam Waghmare by order dated 16-04-2024. He further pointed out that even as regards to other co-accused namely Kakasaheb Abasaheb Shinde, learned Additional Sessions Judge, Newasa, Dist.Ahmednagar, extended relief of anticipatory bail. It is further pointed out that merely because there was FIR against husband of informant, as a counter blast, FIR is filed levelling false allegation. Therefore, learned Counsel submits that on the ground of parity, applicant is also entitled for relief of anticipatory bail.

3. Strongly opposing the above application, learned APP pointed out nature of charges. He pointed out that as regards present applicant is concerned, there is allegation of using Gun to issue

threats. He pointed out that said Gun is yet to be recovered. He pointed out that roles of applicants, who are beneficiary of reliefs, cannot be equated with the role attributed to the present application and for effective investigation, he prays for rejection of application.

4. After considering the submissions so advanced and on going through the FIR, it seems that crime is registered by Newasa Police Station, Newasa, Dist.Ahmednagar, for offence under Sections 354, 327, 324, 323, 504, 506, 143, 147, 148, 149 of the IPC and under Section 3, 25 of the Arms Act.

5. Perused the FIR, which seems to be lodged by a lady of 25 years of age. Her complaint shows that there is some land dispute between her husband and one Kakasaheb. But subsequently same was amicably settled. According to her, on 22-11-2023 at around 11:00 a.m., persons namely Kakasaheb Shinde, present applicant, one Amol Uttam Waghmare, Rahul Waghmare, Salman Sayyad, Amar Bhaskar Shrisath arrived in a Tractor, questioned the agricultural activity and issued threats that they would not spare informant and her husband alive. She has alleged that Kakasaheb pulled her blouse, whereas present applicant directed to strip her. Kakasaheb slapped

her. Then she has attributed allegation of beating by stick and sickle. As regards present applicant is concerned, she has alleged that he was armed with a Gun and he issued threats to kill.

6. Perused other annexures with application i.e. FIR No.1098 of 2023 at the instance of one Rahul Rajendra Waghmare. In that FIR, there are allegations of commission of offence under Section 504, 506 of the IPC and under Sections 3(1)(r) and 3(1)(s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act. In said FIR, allegations are levelled against husband of present informant.

It does seem that this Court, at the time of issuing notice, granted anticipatory bail to co-accused namely Amol Uttam Waghmare against whom there are no specific allegation. It is equally true that other co-accused namely Kakasaheb Abasaheb Shinde is also a beneficiary of anticipatory bail. But as regards present applicant is concerned, allegations are of coming armed with weapon like a Gun and further use of the same for issuing threats to kill.

Learned APP pointed out that investigation is in progress and Gun is yet to be recovered.

7. Considering such material against present applicant, this Court is not inclined to grant relief as prayed.

ORDER

Anticipatory Bail Application No.730 of 2024 is rejected.

(ABHAY S. WAGHWASE)
JUDGE

SPT