



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

910 ANTICIPATORY BAIL APPLICATION NO. 747 OF 2024

AMOL SANJAY CHAVAN
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER

...
Advocate for Applicant : Mr. Shashikant E. Shekade.
APP for Respondents / State : Ms. R. P. Gaur.
...

CORAM : **SHIVKUMAR DIGE, J.**

DATE : 11th June, 2024.

P.C.:

. The applicant is apprehending arrest in connection with Crime No.134 of 2022, registered with Georai Police Station, District Beed, for the offences punishable under Sections 394, 395, 341, 323, 427, 504 and 506 of the Indian Penal Code (for short "the I.P.C.").

2 It is prosecution's case that on 21st March, 2022, informant Rangnath Gholap lodged report with police that on 20th March, 2022 at about 08:30 pm, while the informant and his friend Krishna @ Kishor Gade were returning from Beed on their motorcycle towards their village Talwatborgaon, Taluka Georai, at that time, the applicant and co-accused overtook their motorcycle and parked in horizontal direction of the road. The applicant and co-accused abused and assaulted the informant and his friend by means of wooden sticks. They snatched the cash amount of Rs.10,000/-from informant's pocket

and cash amount of Rs.5,700/- from the pocket of informant's friend. On the basis of report, the police registered the offence against the applicant and co-accused.

3 It is the contention of the learned counsel for applicant that as per the informant's report, three persons followed their motorcycle. The applicant's presence is shown when the co-accused were assaulting the informant and his friend. The learned counsel further submitted that there is one co-accused namely Amol Ramesh Chavan whereas the applicant's name is Amol Sanjay Chavan. In the FIR, the role attributed to the applicant is that he assaulted the friend of the informant with fist and kick blows. The co-accused have been released on bail. Charge-sheet has been filed. No custodial interrogation of the applicant is required. Hence, he requested to allow the application.

4 It is the contention of the learned APP that the applicant was present at the time of incident. He assaulted the friend of the first informant by wooden stick. The statements of the friends of informant are recorded by the police. In the said statements, they have specifically stated that the applicant assaulted them with wooden stick. The learned APP further submitted that since lodging of the FIR the applicant is absconding and his conduct is suspicious. His custody is

required to seize the wooden stick used by him in the offence. Hence, it is requested to reject the application.

5 I have heard both the learned counsel.

6 In the FIR, the allegations against the applicant are that he assaulted the informant's friend. No allegations against the applicant about snatching of the amount from the first informant and his friend. In the statements of friends of informant, they have stated that the applicant assaulted them by wooden stick. Two wooden sticks are recovered by the police from the spot of incident. Charge-sheet has been filed by the police against the applicant and co-accused. Hence, custodial interrogation of the applicant is not required. In the FIR, it is not mentioned that the applicant used the wooden stick. Considering above reasons, I pass the following order:-

ORDER

- I. The application is allowed.
- II. In the event of arrest of the applicant in connection with Crime No.134 of 2022, registered with Georai Police Station, District Beed, for the offences punishable under Sections 394, 395, 341, 323, 427, 504 and 506 of the Indian Penal Code, he be released on bail on furnishing personal bond of Rs.15,000/- with surety of the like amount on following conditions:-

- a) The applicant shall attend the concerned police station as and when required by the Investigating Officer, till framing of charge.
- b) The applicant shall not indulge in similar activities again.
- c) The applicant shall not pressurize the prosecution witnesses, in any manner.

[SHIVKUMAR DIGE, J.]

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