



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

74 ANTICIPATORY BAIL APPLICATION NO. 836 OF 2024

1. Kanifnath Ramnath Dhumal
2. Om Sanjay Pawar
3. Digambar Eknath Pawar
4. Ankush Eknath Pawar
5. Santosh Vishnu Garad

..APPLICANTS

-VERSUS-

1. The State of Maharashtra
2. The Superintendent of Police

..RESPONDENTS

Advocate for Applicants : Mr. Sukale Prashant Hanumant
APP for Respondent/State: Ms. V.S. Chaudhari

CORAM : **SHIVKUMAR DIGE, J.**

DATE : 24th June, 2024.

P.C.:

1. The learned counsel for the applicants, on instructions, seeks leave to withdraw the application of applicant no.5 – Santosh Vishnu Garad.
2. Leave granted. The application to the extent of applicant no.5 stands dismissed as withdrawn.
3. The applicant nos.1 to 4 apprehend arrest in connection with FIR No.0252 of 2024 registered with Shevgaon Police Station, Dist.Ahmednagar, for the offences punishable under sections 143, 144, 146, 147, 149, 307, 326, 427, 504 and 506 of the Indian Penal Code (For short, "IPC").

4. It is the case of prosecution's that on 21st March, 2024, on the issue of recovery of damages caused on account of burning of sugarcane crop, bore well and pipeline of complainant due to electrocution by the sugarcane loaded tractor of Bhaurao Aher, the co-accused and the applicants formed an unlawful assembly and assaulted the first informant by means of iron bar, wooden logs, wooden plank, motorcycle shock-absorber etc, in which the first informant seriously injured. The applicants and co-accused assaulted the informant with an intention to kill him.

5. It is the contention of the learned counsel for the applicants that the applicants have been falsely implicated in the crime due to political pressure. The incident had taken place on 21.03.2024 and the F.I.R. has been lodged on 23.03.2024. There is delay of two days in lodging the F.I.R. The applicants were not the members of unlawful assembly. The custodial interrogation of the applicants is not required. Hence he requested to allow the application.

6. It is the contention of the learned APP that the applicants are the part and parcel of the unlawful assembly and they have assaulted the informant with an intention to kill him. There are injuries caused to the informant. The custodial interrogation of the applicants is required. Hence, he requested to reject the application.

7. Allegation against applicant – Kanifnath Dhumal is that he assaulted the first informant with wooden stick on his back whereas

the applicant Om Pawar assaulted the first informant by wooden plank on the left hand wrist of the informant. Allegations against applicants Digamber Pawar and Ankush Pawar are that they threatened the first informant. Considering the allegations against all the applicants, their custodial interrogation is not required. Hence I pass the following order:-

ORDER

- (i) The application is allowed.
- (ii) In the event of arrest of the applicant nos.1 to 4 in connection with FIR No.0252 of 2024 registered with Shevgaon Police Station, Dist.Ahmednagar, for the offences punishable under sections 143, 144, 146, 147, 149, 307, 326, 427, 504 and 506 of the Indian Penal Code, the applicants be released on executing personal bond in the sum of Rs.15,000/- 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.

[SHIVKUMAR DIGE, J.]

sga