



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

9 ANTICIPATORY BAIL APPLICATION NO. 857 OF 2024

Mayur Shahir Gavali

VERSUS

The State of Maharashtra and another

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Advocate for Applicant : Mr. Sujit A. Patil

APP for Respondents: Mr. D.J. Patil

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CORAM : SHIVKUMAR DIGE, J.
DATED : 8th JULY, 2024.

PER COURT :-

1. The applicant apprehends arrest in connection with crime No.20 of 2024 registered with Tuljapur Police Station, district Osmanabad, for the offence punishable under sections 302, 337, 338, 323, 504, 506 r.w. 34 of I.P.C.

2. It is the prosecution's case that the complainant's brother was killed by accused No.1 Sagar by giving a dash by car to him and also he assaulted him. It is alleged that at that time, the applicant was present with the accused Sagar in the said car.

3. It is the contention of the learned counsel for the applicant that no allegations are made against the applicant in the F.I.R. It is mentioned in the F.I.R. that the applicant was present in the car.

Except these allegations, no specific allegations are made against the applicant. Learned counsel further submitted that the allegations against co-accused Ashwini are serious and she has been released on anticipatory bail by the Sessions Court. The custodial interrogation of the applicant is not required. Hence he requested to allow the application.

4. It is the contention of the learned APP that initially the informant was assaulted by accused No.1 Sagar and thereafter he gave dash to the deceased by car. At that time, the applicant was present in the car. The informant has stated that accused No. 1 and three persons were sitting in the car at the time of incident. It shows the involvement of the applicant in the crime. Hence he requested to reject the application.

5. I have heard both the learned counsel. Perused the F.I.R. and the police papers produced on record. In the F.I.R. the allegations against the applicant are that three persons were present in the car alongwith accused No.1, who assaulted the deceased and thereafter gave dash to the deceased by car. In investigation, it is revealed that the applicant was present in the car but no role is attributed to the applicant. In the F.I.R. also, it is mentioned that three persons were present in the car but no specific role is attributed to these three

persons. The applicant is one of the three persons. Considering the allegations against the applicant, his 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 in connection with crime No.20 of 2024 registered with Tuljapur Police Station, district Osmanabad, for the offence punishable under sections 302, 337, 338, 323, 504, 506 r.w. 34 of I.P.C., the applicant be released on executing personal bond in the sum of Rs.15,000/- with one surety of the like amount, on the following conditions :-
 - (a) the applicant shall attend the concerned police station as and when required by the Investigating Officer.

(SHIVKUMAR DIGE, J.)

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