



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

21 ANTICIPATORY BAIL APPLICATION NO. 1193 OF 2024

1. Dashrath Vankar Pawar
2. Ashok Bhurya Pawar

..APPLICANTS

-VERSUS-

The State of Maharashtra
and another.

..RESPONDENTS

Advocate for Applicant : Mr. Deshpande Chaitanya Chandrakant
APP for Respondent/State : Mr.Pravin S. Patil

CORAM : **SHIVKUMAR DIGE, J.**

DATE : 12th August, 2024.

P.C.:

1. The applicants apprehend arrest in connection with FIR No.150 of 2024 registered with Nizampur Police Station, for the offence punishable under section 395 of the Indian Penal Code (For short, "IPC").
2. It is the prosecution's case that on 25th May, 2022 around 8:00 p.m., when the security guard of Suzlon Company was patrolling, the informant along with other Security Guards reached at tower J138 at that time, he found that some employees are lying in injured condition. When the informant asked them, they told that co-accused assaulted them when they prevented them from making theft of cable wire of the company. It is alleged that the applicants were members of that group.
3. It is contention of the learned counsel for the applicants that the

applicants' names are not mentioned in the F.I.R. In the supplementary statement of the witnesses it is mentioned that the applicants were present at the time of incident. The learned counsel further submitted that the names of the applicants were mentioned after thought. Names of the five accused have been specifically mentioned in the F.I.R. Considering the allegations against the applicants, their custodial interrogation is not required and requested to allow the application.

4. It is the contention of the learned APP that the applicants and co-accused were trying to commit theft of copper wire of the company. When the security guard guarding there trying to prevent the applicants and co-accused, they assaulted the security guard with iron rod and wooden sticks. Considering the allegations against the applicants, their custodial interrogation is required and requested to reject the application.

5. I have heard both the learned counsel. Perused the F.I.R. and police papers produced on record.

6. The names of the applicants are not mentioned in the F.I.R. The specific allegations are made against the five co-accused. It is alleged that in the supplementary statements of the witnesses names of the applicants are mentioned. As the names of the applicants are not mentioned in the F.I.R. and considering the allegations against the applicants, their custodial interrogation is not required and I pass the following order :-

ORDER

- (i) The application is allowed.
- (ii) In the event of arrest of the applicants in connection with FIR No.150 of 2024 registered with Nizampur Police Station, for the offence punishable under section 395 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