



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

920 BAIL APPLICATION NO. 1221 OF 2024

Vijay Navnath Dhanwade
VERSUS
The State of Maharashtra

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Advocate for Applicant : Ms. Sunita G. Sonawane
APP for Respondent: Mrs. D.S. Jape

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CORAM : SHIVKUMAR DIGE, J.
DATED : 9th AUGUST, 2024.

PER COURT :-

1. The applicant is seeking regular bail in connection with crime No. 809 of 2023 registered with Newasa Police Station, district Ahmednagar, for the offence punishable under sections 307, 363, 427, 504, 506 r/w 34 of Indian Penal Code and under sections 3, 7 & 25 of the Arms Act and under section 4 of the Maharashtra Media Persons and Media Institutions (Prevention of Violence and Damage or Loss to Property) Act, 2017.

2. It is prosecution's case that the informant is a news reporter and he had published a news in the newspaper in respect of theft of sand. On the basis of that news, the concerned authority had directed the police to take action against the culprits. It is alleged that on 2.8.2023, when the informant and his mother were present in

house, at that time, the applicant and co-accused came there in a four wheeler and they abused him. It is alleged that the applicant and co-accused told him that because of his news, the offences are registered against them and on saying that they assaulted the informant with fist and kick blows. When the mother of the informant intervened in the said quarrel, the applicant and co-accused also assaulted her. It is alleged that the applicant and co-accused took away the informant forcibly by kidnapping him in their vehicle. When he was in the vehicle, one unknown co-accused pointed out a country made pistol at the informant. He deleted the contents in the mobile of the informant and threatened the informant that if he makes complaint against them, they will kill him.

3. It is the contention of the learned counsel for the applicant that the applicant is behind bar for more than one and half month. The matter is settled between applicant and the informant. The informant has filed an affidavit in that regard before the Sessions Court. A writ petition was also filed for quashing of the F.I.R. before the Division Bench of this Court, but the learned counsel for the petitioner in that petition was not present when the matter was called out, it is dismissed in default. She has filed an application for restoration of the said writ petition. Learned counsel further submitted that the allegations against the applicant are that he had assaulted the

informant with fist and kick blows. Considering the allegations against the applicant, his further custody is not required. The applicant has no criminal antecedents. Hence, requested to allow the application.

4. It is the contention of the learned APP that the applicant and co-accused assaulted the informant with intention to kill the informant on the ground that he had published news in the newspaper regarding theft of sand. On the basis of that news, offences are registered against many persons. Learned A.P.P. further submitted that the applicant and co-accused kidnapped the informant in their car and one of the co-accused pointed out at him a country made pistol and threatened to kill him. It shows that the applicant had played an active role in the said crime. Though the applicant is saying that the matter is settled between them, it cannot be a ground to enlarge him on bail. If the applicant is released on bail, he may indulge in similar activities and further he may pressurize the prosecution witnesses. Hence, 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. The allegations against the applicant are that he assaulted the informant with fist and kick blows. He was part of the group, who kidnapped the applicant in the car.

The applicant has produced the affidavit filed by the informant before the trial court stating that the matter is settled between the applicant and the informant and he has no objection to allow the bail application. The applicant is behind bar for more than one and half month. The investigation is almost completed. The allegations of pointing out country made pistol at the informant is not against the applicant. The matter is settled between the applicant and the informant. Considering this fact, further detention of the applicant is not required and I pass the following order:-

ORDER

- (i) The application is allowed.
- (ii) The applicant in connection with crime No. 809 of 2023 registered with Newasa Police Station, district Ahmednagar, for the offence punishable under sections 307, 363, 427, 504, 506 r/w 34 of Indian Penal Code and under sections 3, 7 & 25 of the Arms Act and under section 4 of the Maharashtra Media Persons and Media Institutions (Prevention of Violence and Damage or Loss to Property) Act, 2017, be released on executing personal bond in the sum of Rs.20,000/- with one surety of the like amount, on the following conditions :-
 - (a) the applicant shall not pressurize the prosecution witnesses and shall not tamper with the evidence.

(SHIVKUMAR DIGE, J.)