



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

ANTICIPATORY BAIL APPLICATION NO. 1245 OF 2023

SAURABH VIJAY GHEGADE AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER

...
Mr. Nilesh S. Ghanekar, Advocate for Applicants
Mr. N.B. Patil, APP for Respondents – State
Mr. N. B. Narwade, Advocate for Assist To PP
...

CORAM : NITIN B. SURYAWANSHI, J.

DATE : 07th FEBRUARY, 2024

PER COURT :

1. Applicants apprehend arrest in Crime No.269/2023, registered with Belwandi Police Station, Ahmednagar, for offence punishable under Sections 307, 341, 324, 435, 504, 506 r/w 34 of the Indian Penal Code and Section 25(4) of the Arms Act, 1959.

2. FIR is lodged by Ashok Bapu Ghegade, alleging that on 30/06/2023 at about 11:00 a.m., informant went to riverbed of Ghod river of village Math, Tal. Shrigonda for taking sand/earth to bury the pipeline in his field. 7 to 8 people were sitting at the riverbed. Informant told applicant No.1 that he wants some soil for covering pipeline in his field. Applicant Saurabh kicked him and punched on stomach and back and refused to let him take the soil. Saurabh had sword in his hand and he hit the sword on chest of informant. Informant left his track and went home and along with his wife he went to the hospital on his motorcycle. When informant was

proceeding to the hospital, at that time, Vijay Ghegade, Saurabh Ghegade and Alka Ghegade were standing near D.P. beside informant's house. Saurabh was holding the sword. Vijay was carrying 35 Ltr. diesel drum in his hand and Alka had a knife in her hand. Saurabh stopped them and Vijay poured diesel on his hand and on their bike. The diesel was also poured on him. Therefore, informant left the bike and ran away. Alka stabbed in his chest and while he was running and Saurabh assaulted by sword on his head.

3. Heard learned advocate for applicants, learned APP for the State and learned advocate for informant. Perused the investigation papers.

4. It is the case of applicants that they are falsely implicated in present crime and no such incident had taken place. Threats were extended by informant that they will be implicated in the false crime. At the time of incident, applicant No.2 was at a motorcycle service station, which is far away from the place of incident. Injuries suffered by informant do not support allegations made in the FIR.

5. Learned APP produced investigation papers and opposed the bail application contending that there are criminal antecedents against applicant Nos.1 and 2.

6. Perusal of investigation papers reveals involvement of

applicant Nos.1 and 2 in present crime. Injuries suffered by informant are in the form of multiple abrasion on forearm and left side of chest. There was also a smell of kerosene from the person of informant. His motorcycle is burnt down in the incident by applicants.

7. There are criminal antecedents of applicant Nos.1 and 2 as C.R. No.335/2019, is registered against them with Belwandi Police Station, for offences punishable under Sections 353, 504, 506 r/w 34 of IPC, N.C. No.516/2023 was registered for offences punishable under Sections 323, 504, 506 of IPC and N.C. No.706/2023 was registered for offences punishable under Sections 504, 506 of IPC at the same police station. N.C. No.1226/2023 was also registered at Tophkhana Police Station for offence punishable under Sections 504 and 506 of IPC. C.R. No.181/2007 is registered against applicant No.2 with Belwandi Police Station for offence punishable under Section 65(E) of the Maharashtra Prohibition Act.

8. Report of investigating officer indicates that applicant Nos.1 and 2 have visited house of informant on 14/08/2023 and abused and threatened him to withdraw the case for which N.C. No.706/2023, is registered at Belwandi Police Station.

9. Considering the gravity of offence and active involvement of applicant Nos.1 and 2, and as the weapons used in

crime are yet to be recovered, they do not deserve protection and their custody is necessary for effective investigation. So far as applicant No.3 Alka is concerned, though it is alleged that she assaulted informant with knife on chest, said allegations are not supported by medical evidence. Considering her gender, her custodial detention is not warranted.

10. In the result application of applicant Nos.1 and 2 is rejected. Application of applicant No.3 Alka alias Jayashri Vijay Ghegade, is allowed by confirming interim protection granted to her vide order dated 31st July, 2023.

11. At this stage, learned advocate for applicants seeks continuation of interim protection granted to applicant Nos.1 and 2. Interim protection granted to applicant Nos.1 and 2 is continued for a period of two weeks.

(NITIN B. SURYAWANSHI, J.)