



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

949 ANTICIPATORY BAIL APPLICATION NO. 1749 OF 2024

FULABAI SARJERAO MASKE AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER

Mr. S. J. Salunke, Advocate for the applicants
Mr. B. A. Shinde, APP for the respondent/State

CORAM : R. M. JOSHI, J.
DATE : 5th DECEMBER, 2024

PER COURT :-

1. When this Court has shown its disinclination to grant relief to applicant nos.1, 3, 9 and 11, learned counsel for these applicants, on instructions, seeks leave to withdraw the application to their extent. Hence, application is dismissed to the extent of these applicants.

2. Rest of the applicants apprehend arrest in connection with Crime No. 257/2024 registered with Talwada Police Station, Dist. Beed for the offences punishable under Sections 110, 132, 189(3), 189(2), 189(5), 191(2), 126(2), 303(2), 221, 195, 321 of the Bharatiya Nyaya Sanhita, 2023 and Sections 135 of the Maharashtra Police Act, 1951.

3. The first informant is police personnel and he reported incident occurred on 07/08/2024 at about 10.30 am to 11.00 am. There is allegation is that when the tractor containing sand was stocked, number of persons gathered at the spot. There is allegation that about

10 to 12 unknown persons along with named persons in the first information report obstructed the said tractor to be taken to the Police Station. There are specific allegations against applicant nos.1, 3, 9 and 11 about committing overt act in the incident.

4. Learned counsel for the applicants submits that even if the allegations in the first information report are accepted to be true, there are no allegations of commission of any overt act by these applicants. It is his submission that nothing is to be recovered at their instance.

5. Learned APP opposed the application by citing seriousness of the crime.

6. There are sweeping allegations against these applicants. Even if the allegations in the first information report are accepted to be true, there are no allegations of commission of overt act by these applicants. Nothing is to be recovered at their instance and hence their custodial interrogation is unwarranted. Hence, this Court finds no reason to reject the application. Hence, application stands allowed in terms of interim order dated 15th October, 2024.

(R. M. JOSHI, J.)

ssp