



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

941 ANTICIPATORY BAIL APPLICATION NO. 1873 OF 2024

1. Vinod Machindra Surwase,
 2. Rushikesh Sanjay Rode,
 3. Machindra Shyamrao Surwase,
 4. Vishal Machindra Surwase,
 5. Vitthal Dashrath Surwase.
- ...Applicants**

VERSUS

1. The State of Maharashtra,
2. The Superintendent of Police,Ahmednagar. ...**Respondents**

...
Advocate for Applicant : Mr. More Abhijit S.
APP for Respondents-State: Mr. P. K. Lakhotiya
Advocate for Assist to APP : Mr. S. R. Shirsat

...
WITH
CRIMINAL APPLICATION NO. 4456 OF 2024
IN ABA/1873/2024
....

CORAM : ARUN R. PEDNEKER, J.

Dated : November 12, 2024.

PER COURT :-

- 1] Criminal Application No.4456/2024 is filed for assist to learned APP.
The said application is allowed and disposed of .
- 2] At the outset, the learned Counsel for the applicants seeks leave to withdraw the application in respect of applicants No.1 Vinod Machindra Surwase, applicant No.2 Rushikesh Sanjay Rode and No.3 Machindra Shyamrao Surwase.
- 3] Application stands dismissed in respect of applicants No.1 Vinod,

No.2 Rushikesh and No.3 Machindra, as withdrawn.

4] Heard learned counsel for the applicants No.4 Vishal Machindra Survase and No.5 Vitthal Dashrath Survase and the learned APP for the respondent-State.

5] The applicants No.4 Vishal Machindra Survase and No.5 Vitthal Dashrath Survase are apprehending arrest in connection with FIR No.619/2024 dated 09/10/2024, registered at Karjat Police Station, District Ahmednagar, for the offences punishable under sections 109, 189, 191(2), 191(3), 190, 118(2), 118(1), 74, 126(2), 115(2), 352, 351(3) of the Bharatiya Nyay Sanhita, 2023.

6] The allegations in the FIR reveal that the complainant, along with family members, resides in Pimpalwadi, Taluka Karjat, District Ahmednagar, and is engaged in agricultural business. A dispute exists between the applicant and the accused, which led to a verbal exchange between them on 08/10/2024 at about 8:30 a.m. The accused are adjacent land owners of the complainant.

7] Perusal of the complainant's statement indicates that specific allegations have been made against certain accused individuals. However, neither the initial statement nor any supplementary statements attribute any specific role to applicants/accused Vishal and Vithal. Therefore, the application is allowed in respect of applicants/accused Vishal and Vithal only.

8] In view of the above, the application is allowed in respect of applicants No.4 and 5 in the following terms :

i] In the event the applicant No.4 Vishal Machindra Surwase and applicant No.5 Vitthal Dashrath Surwase are arrested in connection with FIR No.619/2024 dated 09/10/2024, registered at Karjat Police Station, District Ahmednagar, for the offences punishable under sections 109, 189, 191(2), 191(3), 190, 118(2), 118(1), 74, 126(2), 115(2), 352, 351(3) of the Bharatiya Nyay Sanhita, 2023, they shall be released on bail on furnishing PR bond of Rs.20,000/- each with one or two sureties in the like amount to the satisfaction of the trial Court.

ii] The applicant No.4 Vishal Machindra Surwase and No.5 Vitthal Dashrath Surwase shall attend the police station as and when called by the police.

iii] The applicants No.4 and 5 shall not tamper with the evidence of the prosecution in any manner. He shall not influence the informant, witnesses and other persons concerned with the

case.

iv] The applicants No.4 and 5 shall co-operate with the investigation and also in the proceedings before the trial Court.

9] In the event, the applicants No.4 and 5 violates any of the conditions specified in this order, it shall be liable to be cancelled.

10] It is also clarified that the observations made in this order are limited to the disposal of the present anticipatory bail application and the trial Court shall proceed further in the matter without being influenced by the observations made hereinabove.

11] The application stands disposed of.

(ARUN R. PEDNEKER, J.)

vj gawade/-.