



IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

ANTICIPATORY BAIL APPLICATION NO. 1722 OF 2023

Rohit Sanjay Jadhav

....Applicant

VERSUS

The State Of Maharashtra And Another

.....Respondents

WITH

ANTICIPATORY BAIL APPLICATION NO. 1723 OF 2023

Pandurang Maniram Gaikwad & Another

....Applicants

VERSUS

The State Of Maharashtra And Another

.....Respondents

WITH

ANTICIPATORY BAIL APPLICATION NO. 1239 OF 2023

Akshay Narayan Gaikwad & Others

....Applicants

VERSUS

The State Of Maharashtra And Another

.....Respondents

Mr. S.J. Salgare h/f. Mr. S.B. Choudhari, Advocate for applicants.
Mr. S.V. Hange, APP for respondent-State.

[CORAM : NITIN B. SURYAWANSHI, J.]

DATE : 06th MARCH, 2024

ORDER :

1. Applicants apprehend arrest in C.R. No. 336 of 2023, registered with Shivajinagar Police Station, Dist. Beed, for offences punishable under sections 143, 147, 307, 324, 323, 324, 504, 148, 149 of Indian Penal Code, under section 135 of

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Maharashtra Police Act and under sections 3, 4 and 25 of Arms Act.

2. FIR is lodged by Maroti Gaikwad on 20.07.2023, while he was in hospital stating that on 16.06.2023 at about 10.15 pm, he was returning from his field and reached near Charhata Fata, at that time he saw mother of Pradeep and Deepak namely Lalita Gaikwad. She stopped informant and stated that Pradeep and Deepak had come to the house of their maternal uncle Subhash Jadhav and he should go there. Therefore, informant proceeded towards the house of Subhash Jadhav. At about 10.20 pm, he saw that there was dispute going on between Subhash Jadhav, Narayan, Maniram, Umesh, Akshay, Bappa, Pandurang, Nitin Gaikwad, Siddheshwar Jadhav, Ritesh, Vaibhav, applicant and 10 to 15 people and Pradeep and Vishnu Gaikwad. At that time, informant asked what has happened. Subhash Jadhav asked that, who are you intervening in their matter and started abusing and pushed him on the ground and took out revolver with intention to kill him and fired bullet in the direction of informant, however, informant missed it, it hit the leg of one person and he fell down. Thereafter, Siddheshwar Jadhav took out revolver and fired in the air and created terror.

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Maniram Gaikwad with intention to kill informant hit sword on his head. Narayan Gaikwad assaulted him by means of iron rod on his face. Ritesh, Vaibhav, Umesh assaulted informant's son namely Sambhaji by means of iron rod, stick and stump. Nitin, Bappa, Pandurang, Akshay and applicant Rohit assaulted Pradeep and Deepak Gaikwad by means of iron rod, stick and stones and attempted to kill them. After receiving information about the incident police came there. Thereafter, informant's brother Asaram, father of Pradeep and his relatives came there. Police admitted informant's son and the person who sustained bullet injury in Civil Hospital, Beed. On the basis of statement given by informant present crime is registered against applicants.

3. Heard learned advocate for applicants and learned APP for respondent-State. Perused the charge sheet.

4. Learned advocate for applicants submits that in the present crime charge sheet is filed on 15.01.2024 and applicant No. 2- Bappa Maneram Gaikwad alias Bapu Maniram Gaikwad in Anticipatory Bail Application No. 1239/2023 is not made accused in the charge sheet. He therefore seeks permission to withdraw application to the extent of applicant No. 2.

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5. Permission granted. Application of Applicant No. 2- Bappa Maneram Gaikwad alias Bapu Maniram Gaikwad is disposed of as withdrawn.

6. He further submits that applicants are innocent and they are falsely implicated in the present crime.

7. Charge sheet in the present crime is filed on 15.01.2024 against 11 accused persons. Allegations of use of firearm is made against accused Subhash Jadhav and Siddheshwar Jadhav. Allegation of assault by sword is made against Maniram. It is alleged that applicants along with co-accused Vaibhav Jadhav, Umesh Gaikwad, Nitin Gaikwad, Bappa Gaikwad and Akshay Gaikwad assaulted Pradeep Gaikwad and Deepak Gaikwad with iron rod, sticks and stones. In the investigation, it is revealed that Pradeep and Deepak have not suffered any injury in the incident. Sambhaji Gaikwad son of informant has suffered CLW over right maxillary region and abrasion over inner side of lower lip. Weapons used in the incident are recovered from the spot of incident. In the peculiar facts of this case, possibility of over implication of applicants in the present crime cannot be ruled.

8. Cross FIR is lodged by applicants side against informants side, against 12 known persons and 15 to 20 unknown persons at C.R. No. 329/2023, with Shivajinagar Police Station, Dist. Beed, for offences punishable under sections 143, 147, 307, 323, 324, 148, 149, 504 of IPC read with 135 of Maharashtra Police Act and under section 4 and 5 of Arms Act.

9. Considering the fact that, charge sheet is filed and nothing is to be recovered from applicants and as applicants i.e. Rohit Jadhav, Akshay Gaikwad, Ritesh Jadhav and Vaibhav Jadhav are students, their pre-trial custodial detention is not necessary.

10. In the result, Anticipatory Bail Application Nos. 1722 of 2023 and 1723 of 2023 are allowed by confirming interim protection order dated 16.10.2023 and Anticipatory Bail Application No. 1239 of 2023 is allowed by confirming interim protection order dated 01.08.2023.

11. Applicants shall not tamper the prosecution evidence.

[NITIN B. SURYAWANSHI, J.]