



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

10 ANTICIPATORY BAIL APPLICATION NO. 2146 OF 2024

1. Datta S/o Bapurao Maswale
2. Papesh S/o Rama Maswale .. Applicants

VERSUS

- . The State of Maharashtra and another .. Respondents

...

Advocate for Applicant : Mr. Pokale Dnyaneshwar Bhaurao
APP for Respondent/State: Mr. S. P. Sonpawale

...

AND

...

76 ANTICIPATORY BAIL APPLICATION NO. 1994 OF 2024

SUNIL BABASAHEB MASWALE

VERSUS

THE STATE OF MAHARASHTRA AND ANOTHER

...

Advocate for Applicant : Mr. Pokale Dnyaneshwar Bhaurao
APP for Respondent/State: Mr. S. P. Sonpawale
Advocate for Assist to PP : Mr. R. G. Hange

...

WITH

...

ANTICIPATORY BAIL APPLICATION NO. 2006 OF 2024

BHAGWAN MADHAVRAO SHINDE

VERSUS

THE STATE OF MAHARASHTRA AND ANOTHER

...

Advocate for Applicant :
Mr. K. S. Solunke h/f. Mr. Naik Sarvesh Jaipal
APP for Respondent/State: Mr. S. P. Sonpawale
Advocate for Assist to PP : Mr. R. G. Hange

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CORAM : ARUN R. PEDNEKER, J.

DATE : 16th DECEMBER, 2024

PER COURT:

1] In ABA/2146/2024, issue notice to the respondents. The learned APP waives service of notice on behalf of the Respondents / State Authorities.

2] Heard learned counsel for the applicants and the learned APP for the respondent-State in all these applications.

3] In all these applications, applicants are apprehending arrest in connection with Crime No.439 of 2024, dated 11.09.2024, registered at Shivajinagar Police Station, District Beed, for the offences punishable under Sections 118(2), 3(5), 351(2), 351(3), 352 of the Bharatiya Nyaya Sanhita, 2023.

4] This court by order dated 09.12.2024 protected the applicant in Anticipatory Bail Applications No.1994 of 2024 and 2006 of 2024. There is also one Anticipatory Bail Application filed bearing no.2146 of 2024 by the co-accused in the same crime seeking anticipatory bail.

By order dated 09.12.2024, this court has noticed that there has been fight between two groups over some contract being issued to one of the group. The incident is dated 09.09.2024 and the FIR is registered on 11.09.2024. The injury certificate, which is produced, indicates that there is shoulder injury, which is described as grievous, but there is no fracture on the shoulder. The injury sustained is contusion injury.

5] The learned APP submits that there are further investigation in the matter as regards the injury. However, the injury is not pointed out to be serious in nature. The learned APP points out that as regards the Bhagwan Madhavrao Shinde there are antecedents in relation to offence under Section 307 and also for offence under section 353.

The learned counsel for the applicant Bhagwan Madhavrao Shinde submits that as regards the offence under Section 307 is concerned the applicant is granted anticipatory bail by the Sessions Court as there is no role of the applicant in the said offence. As regards the offence under Section 353 is concerned he submits that the applicant is acquitted in the same.

6] The learned APP has also pointed out that the applicant Sunil Babasaheb Maswale is convicted for the offence under section 420.

The learned counsel for the applicant / Sunil Babasaheb Maswale submits that the appeal against the said conviction is filed and that the sentence is suspended and the appeal is awaiting final hearing.

7] Considering the submissions as above, more particularly, there is fight between the two groups and that the injury sustained is not serious in nature, so also, the antecedent as pointed are sufficiently explained, this court would consider prima faice confirming the order dated 09.12.2024 granting protection to the applicants in Anticipatory Bail Applications No.1994 of 2024 and 2006 of 2024. So also, this

court would apply the same order to the applicant in Anticipatory Bail Application No.2146 of 2024.

8] Considering the submissions, all the applications are allowed on the following terms.

9] In view of the above, the applications are allowed in the following terms :

i] In the event the applicants are arrested in connection with Crime No.439 of 2024, dated 11.09.2024, registered at Shivajinagar Police Station, District Beed, for the offences punishable under Sections 118(2), 3(5), 351(2), 351(3), 352 of the Bharatiya Nyaya Sanhita, 2023, they shall be released on bail on furnishing PR bond of Rs.15,000/- each with one or two sureties in the like amount to the satisfaction of the trial Court.

ii] The applicants shall attend the police station as and when required by the Investigating Officer.

iii] The applicants shall not tamper with the evidence of the prosecution in any manner. They shall not influence the informant, witnesses and other persons concerned with the case.

iv] The applicants shall co-operate with the investigation and also in the proceedings before the trial Court.

10] In the event, the applicants violates any of the conditions specified in this order, it shall be liable to be cancelled.

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

12] The applications stand disposed of.

[ARUN R. PEDNEKER, J.]

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