



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

932 ANTICIPATORY BAIL APPLICATION NO. 2043 OF 2024

1. Amol s/o. Ganpat Raut
2. Ganpat s/o. Laxman Raut
3. Praful s/o. Ganpat Raut
4. Rahul s/o. Vishwanath Ghantode .. Applicants

VERSUS

- . The State of Maharashtra and another .. Respondents

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Advocate for Applicant : Mr. A. S. More h/f. Mr. Madhav K. Jadhav

APP for Respondent/State: Mr. A. A. A. Khan

Advocate for Assist to PP: Mr. Rahul O. Awsarmol

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CRIMINAL APPLICATION NO.4903 OF 2024

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CORAM : ARUN R. PEDNEKER, J.

DATE : 10th DECEMBER, 2024

PER COURT:

- 1] Heard learned counsel for the applicants and the learned APP for the respondent-State.
- 2] Criminal Application No.4903 of 2024 for assist to Public Prosecutor is allowed.
- 3] The applicants are apprehending arrest in connection with Crime No.164/2024, dated 05.04.2024, registered at Hingoli (Rural)

Police Station, District Hingoli, for the offences punishable under Sections 394, 397, 341, 427 of IPC.

4] The offence in the instant case is registered on 05.04.2024. It is contended that on 05.04.2024 at about 00:30 a.m. the informant was proceeding towards his field in his car and when he reached Hotel Madhurdeep Palace, 3 persons come near his car and stopped him. They broke the glass of the car. Informant further stated that they assaulted the informant by means of iron rod and he sustained head injury. So also, some gold ornaments are stolen by them from the custody of the informant, as such, offence under above sections is registered against the unknow persons.

5] It is the case of the applicants that on 29.10.2024, the notice under section 41A was issued to the applicants. The learned counsel submits that, when the notice was issued, the applicants applied for anticipatory bail on the grounds {1} that they are not named in the FIR, although, the informant knows their names, {2} there were 2 complaints filed by the applicant, on 27.07.2024 & 15.10.2024, against the informant and the applicants are roped in the present crime on account of the complaint.

The learned counsel further submits that the applicants are implicated subsequently and attempt is made to implicate the applicants subsequently in the offence and, although, they were known to the complainant their names are not taken in the FIR.

The learned counsel also submits that the offence is not registered under Sections 324 and 326 of the IPC and as regards the injury is concerned. He submits that there is tendency of exaggerating

the complaint and make allegations that there are gold ornaments on the body at the time of assault and they are stolen.

It is further stated that the applicants and the complainant are the close relatives to one and another.

6] Per contra, the learned APP submits that Accused No.1 is already arrested and he is still in police custody and investigation is proceeding against him.

7] The learned counsel appearing for the assist to Public Prosecutor submits that Section 120-B has been added subsequently. He submits that the assailants were masked at the relevant time and, as such, they could not be identified and, therefore, the present identification is necessary and their custodial interrogation is necessary.

8] Considering the submission, it is to be noted that, the applicants and the respondents are known to one and another and they are not named in the FIR. If the assailants were masked then the identification is not possible, even if the applicants are taken into custody.

9] It is also to be noted that in the instant case, the persons are already released on bail. It is also brought to the notice that 2 accused persons were arrested for the crime immediately after the offence on 07.04.2024 and they are already released on bail. They are not connected to the present applicants.

10] The learned APP submits that there is antecedents against applicants no.2 and 3. However, considering the fact that there is no material on record to connect the applicants with the crime and they are sought to be connected after a period of 6 months without any supporting material, applicants no.2, 3 and 4 deserve to be granted anticipatory bail.

11] In view of the above, the application is allowed to the extent of applicants no.2, 3 and 4 in the following terms :

i] In the event Applicants No.2, 3 and 4 are arrested in connection with Crime No.164/2024, dated 05.04.2024, registered at Hingoli (Rural) Police Station, District Hingoli, for the offences punishable under Sections 394, 397, 341, 427 of IPC, 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] Applicants No.2, 3 and 4 shall attend the police station as and when required by the Investigating Officer.

iii] Applicants No.2, 3 and 4 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] Applicants No.2, 3 and 4 shall co-operate with the investigation and also in the proceedings before the trial Court.

12] In the event, Applicants No.2, 3 and 4 violates any of the conditions specified in this order, it shall be liable to be cancelled.

13] 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.

14] The application stands disposed of.

[ARUN R. PEDNEKER, J.]

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