



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

ANTICIPATORY BAIL APPLICATION NO. 1913 OF 2023

KIRAN SHIVAJI SARODE

VERSUS

THE STATE OF MAHARASHTRA AND ANOTHER

...

Mr. Sudheer R. Zambare, Advocate for Applicant

Mr. N.B. Patil, APP for Respondents/State

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CORAM : NITIN B. SURYAWANSHI, J.

DATE : 05th MARCH, 2024

PER COURT :

1. Applicant apprehends arrest in C.R. No.897/2023, registered with Parner Police Station, Dist. Ahmednagar, for offence punishable under Section 395 of Indian Penal Code and Section 136 of the Electricity Act.

2. FIR is lodged by Rajesh Laxman Prasad, Senior Executive of Kalpataru Power Transmission Limited, stating that his company has been given contract of high power transmission lines by M.S.E.D.C.L. He along with his colleagues used to do patrolling during night times. On 15/09/2023, when they were patrolling in Karjule Harya area, at about 02:30 a.m. he saw a pickup vehicle near Tower Nos.211-212, 212-213. Four to six persons were keeping a wire bundle in said vehicle. When informant along with Arun Yadav, Vibhash Kumar, Kamakhya Singh and driver Gorakh Gunjal went there and inquired with them, all accused persons threatened

to assault them with axe and sticks. They forcefully kept the wire bundle in the pick-up vehicle bearing No.MH-05-DK-0521 and some of them fled from the spot in pick-up vehicle. One person amongst them left on motorcycle bearing No.MH-14-EX-6067. One more accused who was running away on Honda Shine motorcycle was caught. He told his name as Vikas Suresh Rokade. He also told that person who ran away on motorcycle bearing No.MH-14-EX-6067 is Kiran Sarode (applicant).

3. Heard learned APP for respondents/State and learned advocate for applicant. Perused the investigation papers.

4. Applicant claims to be an agriculturist and doing milk business. He is also a member of Village Panchayat, Vadgaon Sawatal. He claims to be falsely implicated in present crime due to village politics.

5. Perusal of investigation papers reveal that name of applicant is disclosed by co-accused. Accused persons who have allegedly stolen wire bundle have criminal antecedents, applicant has none. There appears substance in contention of applicant that due to village politics he is falsely implicated in present crime.

6. Noting is to be recovered from applicant. He is permanent resident of village Vadgaon Sawatal and is a member of

Village Panchayat. He is not likely to abscond if released on bail. His pre-trial custodial detention is not necessary in the facts of present case.

7. Hence, the application is allowed by confirming interim protection granted to applicant by order dated 10/11/2023.

8. Till filing of charge-sheet, applicant shall attend concerned police station as and when called by investigating officer and shall co-operate in the investigation. Applicant shall not tamper prosecution evidence.

(NITIN B. SURYAWANSHI, J.)