



IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

ANTICIPATORY BAIL APPLICATION NO. 2113 OF 2023

Avinash @ Gajanan Vaijnath Ingle
(Named As Gajanan Dada Ingale In FIR)Applicant

VERSUS

The State Of Maharashtra And AnotherRespondents

.....
Mr. S.J. Salunke, Advocate for Applicant.
Mr. N.B. Patil, APP for Respondents-State.

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[CORAM : NITIN B. SURYAWANSHI, J.]

DATE : 16th JANUARY, 2024

ORDER :

1. Applicant apprehends arrest in Crime No. 662/2023, registered with Kej Police Station, Beed, for the offences punishable under sections 394, 336, 427 read with 34 of the Indian Penal Code.

2. FIR is lodged by Shital Gite alleging that on 02.11.2023, at 5.45 am in the morning when she was sweeping in front of Radhika Kirana Shop, Prashant Ingale, Rushikesh Ingale and Gajanan Dada Ingale (applicant) came on black motorcycle. They pelted stones on the shutter of shop and then forcibly entered in the shop and took away amount of Rs.

2550/-. When she tried to prevent them from doing so, they pelted stones. One of the stone hit on her head, due to which she felt giddy and fell on the floor. Articles in the shop were damaged by accused.

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

4. Accused Prashant and Rushikesh are arrested on 09.01.2024 and they are remanded to police custody till 11.01.2024 and they are released on regular bail.

5. General allegations are levelled against all three accused and no specific role is attributed to any of them. Applicant is agriculture graduate and claims to be a proficient farmer, who is using his academics knowledge for taking yield in his field and he is getting huge yield of capsicum and his success is reported in the newspapers. Applicant has no criminal antecedents. Considering these aspects, *prima facie*, false implication of applicant in the present crime cannot be ruled out at this stage. Nothing is to be recovered from applicant and applicant does not seem to have any motive to indulge in the present crime. Therefore, custodial detention of the applicant in the facts of the present case is not necessary.

6. In that view of the matter, application is allowed by confirming interim protection order dated 20.12.2023.

[NITIN B. SURYAWANSHI, J.]