



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

920 ANTICIPATORY BAIL APPLICATION NO. 28 OF 2025

UTTARESHWAR BHIMRAO BHATE

VERSUS

THE STATE OF MAHARASHTRA AND ANOTHER

...

Advocate for Applicant : Mr. Swapnil Patunkar a/w. Ms. Sakshi
Muley i/b. J. P. Legal Associates
APP for Respondent/State: Mr. R. S. Wani

...

WITH

CRIMINAL APPLICATION NO. 224 OF 2025
IN ABA/28/2025

CHATRABHUJ ASHRUBA BHATE

VERSUS

THE STATE OF MAHARASHTRA AND OTHERS

...

Advocate for Applicant : Mr. Nagargoje Ankush Nivrutti
APP for Respondent/State: Mr. R. S. Wani

...

CORAM : ARUN R. PEDNEKER, J.

DATE : 21st JANUARY, 2025

PER COURT:

1] Heard learned counsel for the applicant, the learned APP
for the respondent-State and the learned counsel for the assist to
public prosecutor.

2] The application for assist to public prosecutor is allowed.

3] The applicant has approached this Court apprehending arrest in connection with Crime No.0371/2024, dated 11.12.2024, registered with Neknoor Police Station, District Beed, for the offences punishable under Section 109 of the Bhartiya Nyaya Sanhita.

4] The allegations against the applicant is that he deliberately hit the vehicle, which he was driving i.e. the car on the motorcycle on which the informant alongwith pillion rider was travelling. It is also stated that there was some prior dispute between the parties and that the incident dated 29.11.2024 is not an accident and a deliberate act by the applicant to hit the vehicle on account of prior grudge. In the FIR it is also mentioned that after hitting the motorcycle the applicant got down from the car and verbally stated to the informant that he would have killed the informant and, thereafter, he fled in the car.

The learned counsel for the applicant submits that it is purely an accidental case and after 13 days, the FIR is registered and there are exaggeration and that an ordinary accident is portrayed as a case of attempt to murder. He submits that the applicant or his father had never intended to contest elections as alleged by the informant.

In view of the submissions canvassed, the learned APP was asked to take instructions with regard to the allegations made by the informant that the applicant's father wanted to contest elections and that the informant had not supported the applicant's father to contest elections and in view of the same, there was dispute which was resolved by the villagers and, thus, there was some grudge between them.

The learned APP, on instructions, submits that there is no evidence to suggest that the applicant's father wanted to contest

elections and that there was dispute between the applicant and the informant in that regard, which was resolved by villagers. He submits that there is one statement recorded of Mr. Ramesh, however, even in his statement he has not stated that he was present during the resolution of dispute. The informant has not pointed out name of any person, who was involved in resolution of dispute, although, he had stated that the dispute was resolved by the villagers.

In absence of any statement of other persons corroborating the statement of the complainant it becomes difficult to prima facie hold that the incident dated 29.11.2024 is not an accidental one. Prima facie, this case is an accidental one and that the FIR is registered 13 days later, and it could be that the allegations are stepped up.

The learned APP submits that the applicant is absconding and not cooperated with the investigation.

5] Considering the prima faice case, the interim protection deserves to be granted to the applicant till the next date.

6] In the meanwhile, there shall be interim order in the following terms :-

A] Till the next date, in the event the applicant is arrested in connection with Crime No.0371/2024, dated 11.12.2024, registered with Neknoor Police Station, District Beed, for the offences punishable under Section 109 of the Bhartiya Nyaya Sanhita, he shall be released on bail on furnishing PR bond of Rs.15,000/- with one or two sureties in the like amount.

B] The applicant shall remain present before the investigating officer from 23.01.2025 till 25.01.2025 from 10:30 a.m. to 01:30 p.m.

C] The applicant shall co-operate with the investigation, including producing all documents in his possession, as may be demanded by the investigating officer.

D] The applicant shall not influence the informant, witnesses or any person concerned with the case and he shall not tamper with the evidence.

7] Needless to say, violation of any of the aforesaid conditions may result in this order being cancelled.

8] List on 29.01.2025.

[ARUN R. PEDNEKER, J.]

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