



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

937 ANTICIPATORY BAIL APPLICATION NO. 120 OF 2025

NAVNATH ABU DIVATE

VERSUS

THE STATE OF MAHARASHTRA AND ANOTHER

...

Mr. Rahul R. Karpe, Advocate for Applicant.

Mr. S. N. Kendre, APP for Respondents-State.

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CORAM : ARUN R. PEDNEKER, J.

DATE : 20.02.2025

PC.:-

1] Heard learned counsel for the applicant and the learned APP for the respondent-State.

2] The applicant is apprehending arrest in connection with FIR No.1013/2024 dated 24.11.2024 registered at Shrigonda Police Station, District Ahmednagar for the offences punishable under sections 109, 115(2), 118(1), 189(2), 190, 191(2), 191(3), 351(2), 352 and 25(4) of Bharatiya Nyaya Sanhita, 2023.

3] This Court by order dated 11.02.2025 granted interim protection to the applicant, considering the submissions and reasons given in paragraph Nos.3, 4 and 5 as under:-

"3] The allegation against the applicant along with other 4 accused is that they have assaulted the informant and her husband on 23.11.2024, at around 08:00 p.m. It is stated in the FIR that the applicant has assaulted the informant by stick, subsequently, in the same F.I.R. it is stated that the applicant has assaulted the informant and her husband by means of sword.

4] The learned counsel for the applicant submits that the informant has been inconsistent as regards the utilisation of the

weapon by the applicant. He submits that the 2 main accused were already arrested and released on bail, whereas the other 2 accused were granted anticipatory bail, whose role is very identical to the present applicant.

5] Considering the submissions of the learned counsel for the applicant that there are 2 different statements made as regards the role of the applicant in the same F.I.R. and, also, considering the fact that similar role is attributed to Asha and Surekha and they are granted anticipatory bail, considering the same, interim protection deserves to be granted to the applicant.”

4] The learned counsel for the applicant submits that in pursuance of the interim order, the applicant has attended the concern police station and cooperated with the investigation. A stick is recovered from the place of incident. He submits that no further custodial interrogation of the applicant is required.

5] Per contra, the learned APP submits that the stick is recovered at the instance of the applicant, however, it is mentioned in the FIR that the victim was assaulted by the applicant by sword and the sword is not recovered. As such, further custodial interrogation of the applicant would be required.

6] Considering the interim order dated 11.02.2025 of this Court and considering that there are two different statements made as regards the weapon used by the applicant in the same FIR, no further custodial interrogation of the applicant is required as other two applicants whose role is very identical to the present applicant were granted bail. Considering the same, interim protection granted by order dated 11.02.2025 is stand confirmed.

7] In view of the above, the application is allowed and interim protection granted by this Court on 11.02.2025 is confirmed on the following terms :-

Tauseef

- i] The applicant shall attend the police station once a fortnight for a period for four months from today.
 - ii] The applicant shall not tamper with the evidence of the prosecution in any manner. He shall not influence the informant, witnesses and other persons concerned with the case.
 - iii] The applicant shall co-operate with the investigation and also in the proceedings before the trial Court.
- 8] In the event, the applicant violates any of the conditions specified in this order, it shall be liable to be cancelled.
- 9] 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.
- 10] The application stands disposed of.

(ARUN R. PEDNEKER)
JUDGE