



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

944 ANTICIPATORY BAIL APPLN. NO. 246 OF 2025

1] ROHAN SANJAY CHAVHAN
2] SANTOSH JIJABA SHIRSATH
3] ABHISHEK RAMDAS KONGE

VERSUS

THE STATE OF MAHARASHTRA

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Advocate for applicants : Mr.P.R.Nangare
APP for Respondent-State : Ms.Neha B. Kamble
Advocate for Assist to P.P. : Mr.S.D.Madake h/f.
Mr.S.R.Andhale

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CORAM : ARUN R. PEDNEKER, J.

DATE : 04.03.2025

P.C. :

1] Heard learned counsel for the applicants, the learned APP for the respondent-State and the learned counsel for the assist to P.P.

2] The applicants are apprehending arrest in connection with Crime No. 0016/2025, registered with Pathardi Police Station, Taluka Pathardi, District Ahmednagar, for the offence punishable under Sections 109, 115 (2), 118 (1), 189 (2), 190, 191 (2), 191 (3), 351 (2), 352 of the Bharatiya Nyaya Sanhita, 2023.

3] By order dated 21.02.2025, the application as regards applicant no.1 has been withdrawn. This Court, by

order dated 21.02.2025, has granted interim protection in favour of the applicant nos. 2 and 3 for the submissions and reasons stated in para nos. 5, 6, 7 and 8, as noted below :

5] As regards applicants no.2 and 3 are concerned they are accused nos.4 and 5 in the FIR. The allegations in the FIR is that 10 accused have assaulted the informant. Accused No.1 by means of the pistol handle and the chopper and the accused no.2 by chopper and accused no.3 by small sword and as regards accused nos.4 and 5 i.e. applicant nos.2 and 3, it is stated that they have assaulted the informant by use of stick.

6] The learned APP has produced the injury certificate of the informant on which one grievous injury on the vital part i.e. head which is primarily attributed to accused no.1. In addition, there are 3 simple injury. In all the allegation is against 10 persons having assaulted the informant.

7] Considering the nature of allegations, against large number of persons and also considering the fact that there has been another FIR registered by the present applicants against the informant which depicts prior rivalry.

8] Considering these aspects of the matter, the custodial interrogation of the accused nos.4 and 5 i.e. applicants no.2 and 3 may not be required. Thus, applicants no.2 and 3 can be granted interim protection.

4] The learned counsel for the applicants submits that in terms of aforesaid order, the applicants have attended the concerned police station and have co-operated with the investigation.

5] The aforesaid fact is not disputed by the learned APP as well as by the learned counsel for assist to P.P.

6] Considering the same, the interim protection granted in favour of applicant nos. 2 and 3 by order dated 21.02.2025 stands confirmed, in the following terms :

i] The applicant nos. 2 and 3 shall attend the concerned police station as and when required by the investigating officer.

ii] The applicant nos. 2 and 3 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.

iii] The applicant nos. 2 and 3 shall co-operate with the investigation and also in the proceedings before the trial Court.

7] In the event, the applicant nos. 2 and 3 violate any of the conditions specified in this order, it shall be liable to be cancelled.

8] 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.

9] The application stands disposed of.

[ARUN R. PEDNEKER]
JUDGE

DDC