



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

936 ANTICIPATORY BAIL APPLN. NO.272 OF 2025

1] GULABRAO RANGNATH JAGTAP
2] JYOTI GULABRAO JAGTAP
3] SHWETA AJIT BHANDE
4] VIDYA PRASHANT JAGTAP
5] PRASHANT GULABRAO JAGTAP

VERSUS

THE STATE OF MAHARASHTRA AND OTHERS

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Advocate for Applicants : Mr.R.R.Karpe
APP for Respondent-State : Mr.G.O.Wattamwar
Advocate for Respondent no.3 : Mr.Aniket S. Avhad

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CORAM : ARUN R. PEDNEKER, J.

DATE : 02.04.2025

P.C. :

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

2] The applicants are apprehending arrest in connection with Crime No.1298/2024, registered with Tophkhana Police Station, Dist. Ahmednagar, for the offence punishable under Section 74, 333, 324 (4), 189 (2), 191, 191 (3), 190, 115 (2), 352, 351 (2), 351 (3), 191 (3) of Bharatiya Nyaya Sanhita, 2023 and subsequently added Section 8 and 12 of POSCO Act.

3] This Court, by order dated 06.03.2025, has granted interim protection in favour of the applicants for the submissions and reasons stated in para nos. 3 and 4 as noted below :

3] On 11.12.2024, two NCs and two FIRs are registered against one and another for the similar offences i.e. for the offence punishable under Sections 74, 333, 324 (4), 189 (2), 191, 191 (3), 190, 115 (2), 352, 351 (2), 351 (3), 191 (3) of the Bharatiya Nyaya Sanhita. It appears from the record that the statement of minor is recorded on 14.12.2024 and thereafter, after 3 days of the FIR the offence under Section 8 and 12 of POCSO Act have been added.

4] Considering that there are various NCs and FIRs against one and another and after 15 days of registration of FIR, the offences under Section 8 and 12 of POCSO Act have been added, the possibility of over-implication cannot ruled out.

4] The learned counsel for the applicants submits that in pursuance of the aforesaid order, the applicants have co-operated with the investigation. There are multiple FIRs between the parties.

5] The learned APP submits that in the order dated 06.03.2025 in para no.3 in line no.6, instead of '26.12.2024', it should be '14.12.2024' and in the same para in line no.6, instead of '15 days', it should be '3 days'.

6] The learned counsel for the applicant submits that the allegation in the FIR is that the applicant nos.2, 3 and 4 assaulted the daughter of the informant. There is no mention about assaulting the informant by applicant no.5. Thereafter, in the later statement, the allegations are made against the applicant no.5 that he has committed offence under Section 8 and 12 of the POSCO Act.

7] The learned counsel for assisting to the P.P. has produced photographs of the incident, in which, part of incident is seen of the quarrel between the parties in the balcony of the building.

8] The parties are neighbors and are on inimical terms. Considering the above facts, the possibility of over-implication cannot be ruled out. In view of the same, the interim protection granted by order dated 06.03.2025 stands confirmed, in the following terms :

i] The applicants shall attend the concerned police station as and when required by the investigating officer.

ii] The applicants 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 applicants shall co-operate with the investigation and also in the proceedings before the trial Court.

9] In the event, the applicant violates any of the conditions specified in this order, it shall be liable to be cancelled.

10] 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.

11] The application stands disposed of.

[ARUN R. PEDNEKER]
JUDGE

DDC