



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

922 ANTICIPATORY BAIL APPLN. NO. 279 OF 2025

ASARAM RAMCHANDRA GARJE

VERSUS

THE STATE OF MAHARASHTRA & ANOTHER

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Advocate for Applicant : Mr. N.B.Narwade
APP for Respondent-State : Ms. Neha B. Kamble

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CORAM : ARUN R. PEDNEKER, J.

DATE : 27.02.2025

P.C. :

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

2] The applicant is apprehending arrest in connection with Crime No. 0292/2024, registered with Georai Police Station, Taluka Georai, District Beed, for the offence punishable under Section 307, 353, 341, 379, 279, 143, 147, 148, 149, 427 of the IPC.

3] It is alleged in the FIR that on 25.06.2024 the informant was on patrolling to prevent illegal transportation of sand. At about 11.15 p.m. while he was near Gevrai Bypass, he found one Hyva Tipper in high speed, as he had suspicion that it was loaded with sand illegally, he followed that vehicle. At that time, one swift Dzire Car bearing No.

MH-43-D-8281 came and obstructed informant's vehicle and assisted the Hyva to flee away. Thereafter, he went to Mhalas Pipalgaon, there was 70-80 brass sand near the village unloaded from about 10 to 12 Hyva. He drew panchanama. While he was returning by Gevrai Highway near bridge on bypass road, one black coloured Scorpio came and obstructed the informant's vehicle and 7 to 8 persons got down from the scorpio with wooden and iron rods in their hands and attacked on the informant. In the said attack, all the glasses of Government vehicle of the informant were broken. The driver of informant's vehicle drew the informant's jeep in reverse direction and saved their lives. On the basis of the said allegation, the FIR is lodged.

4] The learned counsel for the applicant submits that the applicant is the owner of scorpio vehicle and the said vehicle has been recovered at the instance of Javed. Thereafter, the Court released the said vehicle. The Sessions Court, by order dated 14.11.2024 in Criminal Bail Application No.1143/2024, has granted anticipatory bail in favour of the co-accused, namely, Mukund Balu Adagale, Santosh Suryabhan Sirsat, Tushar Babaji Funde and Shaikh Sultan @ Babbu Shaikh Najir. While granting anticipatory bail to the co-accused, the Sessions Court observed that nothing is to be recovered at the instance of the co-accused and custodial interrogation of the co-accused is not

necessary, so also, there are no antecedents against the co-accused. As such, the Sessions Court has granted anticipatory bail in favour of the co-accused. He further submits that scorpio was seized from the Javed and the Court has released the said vehicle. Nothing is to be recovered from the present applicant. Considering the said fact, the applicants may be released on anticipatory bail.

5] *Per contra*, the learned APP submits that the applicant is the owner of scorpio, which was involved in the alleged incident and was seized by the police. The said vehicle was caught in the CCTV footage of Toll Naka at Gevrai wherein it can be seen that the present applicant was also involved in commission of crime. All the persons in the said vehicle has obstructed the revenue officer from performing his duties. Therefore, the anticipatory bail should not be granted in favour of the applicant.

6] Considering rival submissions, while the informant was returning by Gevrai Highway, one black coloured scorpio came and obstructed the informant's vehicle and 7 to 8 persons got down from the scorpio with wooden and iron rods in their hands and attacked on the informant. In the said attack, all the glasses of government vehicle were broken. The driver of informant's vehicle drew the informant's jeep in reverse direction and saved their lives. The applicant is the owner of the scorpio vehicle and

the said vehicle is recovered at the instance of the Javed. The said vehicle was caught in the CCTV footage of Toll Naka at Gevrai wherein it can be seen that the present applicant was also involved in commission of crime. There was assault on the revenue officer. *Prima facie*, involvement of the applicant is seen in the alleged crime. This is not a case to grant anticipatory bail in favour of the applicant. Hence, the present application is dismissed.

7] 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 not be influenced by the observations of this Court while deciding regular bail or at trial.

[ARUN R. PEDNEKER]
JUDGE

DDC