



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

949 ANTICIPATORY BAIL APPLICATION NO. 372 OF 2025
WITH
CRIMINAL APPLICATION NO. 975 OF 2025 IN ABA/372/2025

BHAGINATH EKNATH SHIRSATH AND OTHERS

VERSUS

THE STATE OF MAHARASHTRA AND ANOTHER

...

Advocate for Applicant : Mr. Chatterji Joydeep
APP for Respondents 1 & 2 : Mr. G.O. Wattamwar

Advocate for assisting APP : Mr. P.K. Palve

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CORAM : ARUN R. PEDNEKER, J.

DATE : 09/04/2025

PER COURT :

1. Criminal Application No. 975/2025 filed for assisting APP is allowed. Mr. P.K. Palve, learned advocate is allowed to assist the learned APP.
2. Heard the learned counsel for the applicant, the learned APP for the respondents-State and Mr. P.K. Palve, learned advocate assisting APP.
3. The applicant is apprehending arrest in connection with Crime No. 38/2025 dated 9.1.2025 registered with Pathardi Police Station, District Ahmednagar for the offences punishable under sections 309(4), 140(3) of B.N.S., 2023.
4. This Court by order dated 13th March, 2025 has granted interim protection to the applicants. The learned counsel for the applicants submits that in pursuance of the interim order the applicants have cooperated with the investigation.
5. The case against the applicants is that while the informant was driving the tractor, the applicants and other accused came in a car and intercepted the tractor of informant and by putting the knife on the neck of

the informant one of the accused has taken away the tractor and other three accused have left the place in car. It is stated that one of the accused is arrested, who has taken the name of the applicants and on the basis of his statement, applicants are roped in the present crime.

6. The learned counsel for the applicants submits that the allegations as depicted in the FIR do not reflect true state of the incident. The offence has undercurrent of financial transactions between the parties. The learned counsel points out bank statement which is at page No. 48 of the applicant and submits that applicant has paid amount of Rs.10 lakhs to the informant on 6.4.2023. The learned counsel submits that the FIR would indicate that the driver of the tractor was asked to inform the owner of the tractor that he should bring Rs.10 lakhs and that the tractor was taken by the applicants. The learned counsel for the applicants submits that one of the accused has been arrested and at his instance, tractor is recovered and the vehicle in which the applicants were travelling has also been submitted before the police while on interim protection. As such, considering that there has been financial transactions between the parties, the learned counsel for the applicant submits that prima facie, the case is made out for grant of anticipatory bail and therefore, the interim protection granted to the applicants be confirmed.

7. Per contra, the learned APP as well as the learned counsel assisting APP strongly opposed the application by submitting that knife was used while committing the crime and the same has not been recovered and that the interim protection granted earlier may be vacated and the application may be rejected.

8. Having considered the rival submissions, from the FIR and the

documents produced on record, prima facie, it appears that there is some financial transaction between the parties and for that reason, the tractor was taken away by the applicants and other accused. One of the accused is arrested and on the basis of his statement, the tractor is recovered. In respect of usage of the knife in the crime, it can be said that no injury is caused to anyone and the same may appear to be little bit exaggerated version.

9. The learned advocate assisting APP submits that amount of Rs.10 lakhs has been paid by the informant to the applicant. Be that as it may, it is the matter of trial.

10. Considering the above aspects of the matter, the interim protection granted on 13th March, 2025 can be confirmed.

11. In view of the above, the application is allowed and the interim protection granted on 13th March, 2025 is confirmed on the following terms :

i] The applicants shall attend the police station as and when required.

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.

12. In the event, the applicants violate any of the conditions specified in this order, it shall be liable to be cancelled.

13. 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.

14. The applications stand disposed of.

[ARUN R. PEDNEKER, J.]

SSC/