



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

922 ANTICIPATORY BAIL APPLN. NO.1060 OF 2024

1] ROHIT KAILAS JAWALE
2] LAXMAN POPAT GAIKWAD

VERSUS

THE STATE OF MAHARASHTRA & ANOTHER

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Advocate for Applicant : Mr.R.R.Karpe
APP for Respondent-State : Mr.A.A.A.Khan
Advocate for the Assist to P.P. : Mr.S.E.Shakade

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CORAM : ARUN R. PEDNEKER, J.

DATE : 24.01.2025

P.C. :

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

2] The learned counsel for the applicants, on instructions, seeks leave to withdraw the application in respect of applicant no.1, namely, Rohit Kailas Jawale.

3] Leave granted. The Anticipatory Bail Application of applicant no.1 – Rohit is dismissed as withdrawn.

4] The applicant no.2 is apprehending arrest in connection with Crime No.430/2024, registered at Bhingar Camp Police Station, District Ahmednagar, for the offences punishable under sections 324, 341, 323, 504, 506, 327, 363 and 34 of the IPC.

5] It is alleged in the FIR that on 12.04.2024 at 3.30 a.m. when the informant was going to Market Yard some unknown persons threatened and abused him. Thereafter, Rohit Jawale has assaulted him by fighter on his eyes and injured him while Laxman Gaikwad and other unknown persons have assaulted the informant by wooden log and iron rod on his head with threats to the informant that the informant should not maintain contact with daughter of applicant no.2. On the basis of the said allegations, the FIR is lodged against the present applicant.

6] The learned counsel for the applicants submits that on 13.04.2024 the daughter of the applicant no.2 has lodged the FIR under Section 376 (2) (j), 376 (2) (n), 506 of the IPC along with Section 4, 5 (1), 6 and 12 of the POCSO Act against the present informant. The learned counsel for the applicants submits that the present FIR lodged by the informant is the counter blast to the FIR lodged by the daughter of the applicant no.2 and the same is concocted one. The learned counsel submits that this

Court, by order dated 01.07.2024, has granted interim protection in favour of the applicants. In terms of the said order, the applicants have attended the concerned police station and have co-operated with the investigation.

7] Considering that there are cross FIRs between the parties and this Court, by order dated 01.07.2024, has granted interim protection in favour of the applicant no.2 and the applicant no.2 has attended the concerned police station and has co-operated with the investigation. No injury is caused by the applicant no.2 to the informant. Earlier the daughter of the applicant no.2 has also lodged the FIR against the informant under Section 376 (2) (j), 376 (2) (n), 506 of the IPC along with Section 4, 5 (1), 6 and 12 of the POCSO Act against the present informant. In view of the same, the application in respect of applicant no.2 is allowed in the following terms :

i] In the event the applicant no.2 is arrested in connection with Crime No.430/2024, registered at Bhingar Camp Police Station, District Ahmednagar, for the offences punishable under sections 324, 341, 323, 504, 506, 327, 363 and 34 of the IPC, he shall be released on bail on furnishing PR bond of Rs.20,000/- with one or two sureties in the like amount to the satisfaction of the trial Court.

ii] The applicant no.2 shall attend the concerned police station as and when required by the investigating officer.

iii] The applicant no.2 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.

iv] The applicant no.2 shall co-operate with the investigation and also in the proceedings before the trial Court.

8] In the event, the applicant no.2 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