



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

17 ANTICIPATORY BAIL APPLICATION NO. 964 OF 2025
WITH CRIMINAL APPLICATION NO. 2309 OF 2025

SHANKAR ALU CHAVAN AND ANOTHER
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER

Mr. V. P. Savant, Advocate for Applicant
Mr. M. K. Goyanka, APP for the Respondent/State
Mr. S. J. Salunke, Advocate for the Informant

CORAM : ADVAIT M. SETHNA, J.
DATE : 7 JULY 2025

P. C. :-

1. The proceedings arise out of the Crime No. 283/2024. The FIR was lodged on 20 September 2024 at about 00.43 hours by the Chaklamba Police Station, District Beed for the offences punishable under Sections 109(1), 115(2), 189(2), 190, 191(2), 191(3), 351(2), 351(3), 352 of the Bharatiya Nyaya Sanhita (for short 'BNS'). The Accused in the present crime are Accused No.1 i.e. Shankar Aalu Chavan and Accused No.3 one Sanjay Shahadev Chavan respectively, who are the Applicants in the present Application. The Informant is one Rohidas Vasant Rathod (age 38 years).

Case in the FIR :-

2. It appears that the Informant and the Accused persons are

residing in the same village. On 20 September 2024 one Rohidas Rathod i.e. is the Informant lodged report alleging that on 15 September 2024 at about 6.00 pm he heard the noise from the house and one Nanasaheb Rathhod and went there. The Informant saw the Applicant No.1 abusing some persons on mobile phone in loud voice. When the Informant asked him as to whom he was abusing, the Applicant No.1 pulled him by holding hand, whereby informant fell down. Thereby Applicant No.2 and the other Accused persons came there and they abused and assaulted the informant with the help of axe, iron rod and sticks. They also assaulted the witnesses who tried to rescue the Informant. It is in such circumstances that the report was filed and the FIR came to be lodged on 20 September 2024.

Submissions:-

3. Mr. Savant, learned Advocate for the Applicants would first submit that the alleged assault was not intentional. It was in the heat of the moment due to altercation between two contesting/rival groups. He would refer to an earlier complaint relating to a prior FIR dated 18 September 2024 registered by the same Police Station by one Nitin Bhanudas Chavan who is accused No. 6 in the present proceedings. He would thus submit that this is a case of cross complaint/FIR being filed against each other.

4. Mr. Goyanka, learned APP and Mr. Salunke, learned Advocate for the Informant vehemently opposed this Application. According to them this is not a fit case for grant of any indulgence/relief to Applicants who have committed the offence of grievous hurt against the Informant and the witnesses present in such facts and circumstances. There is a requirement of custodial interrogation of the Applicants For such reason, this Application deserves to be rejected.

Findings:-

5. Heard learned Advocates for the parties. With their assistance, I have perused the record.

6. Having perused the FIR it is true that some role in the alleged assault has been attributed to these Applicants before the Court. It is equally true that there is a cross complaint/ FIR which is prior in point in time dated 18 September 2024 which is lodged by the Accused No.6 in the present proceedings. At this *prima facie* stage the contention of the Applicants of a counter blast between two contesting/rival groups cannot be completely discarded. It is further noted as the Prosecution would submit that the alleged weapons have been recovered from the spot of the alleged incident. There is no further recovery. It is pertinent to refer to an order dated 12 December 2024 where Accused 4 to 7, which includes Accused No.6 who had lodged the prior complaint has

been granted Anticipatory Bail by an order of this Court dated 12 December 2024 on certain terms and conditions as recorded in paragraph 5 of the said order. It is not disputed that the roles attributed to such Accused persons would be the same/similar to that of the present Applicants before this Court. Mr. Goyanka has strongly objected to the grant of any relief in this Application and would maintain with custodial interrogation of the Applicants.

7. *Prima facie*, at this stage the prosecution has not pointed out as to how and/or in what manner, the ingredients of the alleged offences in the FIR would be applicable qua the present Applicants. In such facts and circumstances a *prima facie* has been made out by the Applicants. Though the investigation is a right of the prosecution custodial interrogation is not the norm. The Applicants undertake to co-operate with the investigation. This is a case where custodial interrogation in the given factual complexion is not required and/or necessary.

8. For such reasons as noted above, the anticipatory bail application deserves to be allowed by passing the following order.

ORDER

- (i) In the event of arrest of the Applicants in connection with C.R. No. 283/2024 registered with Chaklamba Police Station, District Beed for the offences punishable under Sections 109(1), 115(2), 189(2), 190, 191(2), 191(3),

351(2), 351(3), 352 of the BNS, the applicants are directed to be released on bail on their furnishing PR bond in the sum of Rs. 20,000 (Rupees Twenty Thousand Only) each with one solvent sureties in the like amount.

- (ii) The Applicants shall cooperate with the investigation. They shall attend the concerned police station on every Monday at 11.30 am until further orders.
- (iii) The Applicants shall furnish details of residential address and other contact details such as mobile number etc. to the concerned police station. If there is any change in the contact details, the same shall be immediately informed to the concerned police station.
- (iv) The Applicants shall not leave the jurisdiction of the Court without prior permission of the Court until further orders.
- (v) They shall not interfere with the evidence and shall not tamper prosecution witnesses in any manner whatsoever.

9. Needless to mention that these are *prima facie* observations made in adjudicating this ABA.

10. The ABA is allowed in above terms.

11. Criminal Application No. 2309/2025 to assist PP is perused. The case is made out. The same is **Allowed and Disposed of**.

(ADVAIT M. SETHNA, J.)

ssp