



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

962 ANTICIPATORY BAIL APPLICATION NO. 1143 OF 2023

ASHUTOSH DATTATRAY DAHALE
VERSUS
THE STATE OF MAHARASHTRA

...
APP for Respondent/State : Ms. Neha B. Kamble

...
CORAM : ARUN R. PEDNEKER, J.

DATE : 04/03/2025

PER COURT :

1. The learned counsel for the applicant is not present, however, the learned APP argued the matter.
2. The applicant is apprehending arrest in connection with Crime No. 418/2023 dated 15.5.2023 registered with Shevgaon Police Station, Tal. Shevgaon, District Ahmednagar for the offences punishable under sections 307, 353, 332, 333, 336, 143, 147, 148, 149, 427 of I.P.C. and sections 4 r/w. 25 of Arms Act and section 7 of Criminal Law (Amendment) Act and section 3 (1) of the Prevention of Damage to Public Property.
3. This Court by order dated 19.7.2023 has granted interim protection to the applicant by noting the submissions and reasons at para 4 and 5 of the order, as under :-

"4. Learned counsel for applicant states that applicant was one of persons who had made application to concerned police station for organizing the programme on the birth anniversary of Chhatrapati Sambhaji Maharaj. It is his contention that even on previous occasions such applications were made. It is further argued that there is no specific allegation against present applicant that he has committed any overt act. According to him, the First Information Report shows that there were more than 200 persons present at the spot when incident of stone pelting occurred.

5. Having regard to aforesaid facts and since no overt act is alleged against present applicant, liberty of applicant deserves to be protected till the prosecution is heard in the matter. Hence following order:"

4. On perusal of the police papers, it appears that the applicant had applied for procession. There is no material available against the present applicant to show that he has indulged in rioting in any way. There is also no statement available pointing that the applicant was involved in rioting. There are no overt acts attributed to the applicant. It is stated that in all 373 persons are involved in the crime, out of them 51 are arrested and 107 are granted anticipatory bail.

5. Considering that large number of people were involved in the crime and there is no material available against the applicant to show that he is involved in rioting, interim protection granted on 19.7.2023 can be confirmed.

6. In view of the above, the application is allowed and the interim protection granted on 19.7.2023 is confirmed on the following terms :

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

ii] The applicant 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.

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

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

8. 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.

9. The application stands disposed of.

[ARUN R. PEDNEKER, J.]

SSC/