



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

945 ANTICIPATORY BAIL APPLICATION NO. 1363 OF 2024

1. VAIBHAV VIJAY SABALE
2. NILESH DNYANDEV MANE

VERSUS

THE STATE OF MAHARASHTRA AND ANOTHER

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Advocate for Applicants : Mr. Rahul R. Karpe
APP for Respondent/State: Mr. N. B. Patil

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CORAM : ARUN R. PEDNEKER, J.

DATE : 12th FEBRUARY, 2025

PER COURT:

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

2] The applicants are apprehending arrest in connection with Crime No.0345/2024, dated 07.07.2024, registered at Jamkhed Police Station, Taluka Jamkhed, District Ahmednagar, for the offences punishable under Sections 115(2), 117(2), 118(1), 118(2), 189(2), 189(4), 190, 191(2), 351(2), 351(3), 352 of the Bharatiya Nyaya Sanhita, 2023.

3] This court by order dated 12.08.2024 granted interim protection to the applicants.

4] The allegations against the applicants is that the informant and another while carrying cattle were stopped by unknown persons and assaulted by them. The allegations as far as the applicants are

concerned is that they had instigated the unknown persons for assault. The learned counsel for the applicants submits that of the very same incident immediately thereafter the police has independently registered FIR against the persons carrying the cattle illegally in one vehicle and, as such, the offence is registered against the informant and other persons. However, it is not mentioned in the FIR that the driver or the informant has sustained any injuries on account of obstruction by the villagers. He submits that allegations prima facie are not as regards the present applicants are concerned.

5] The learned APP submits that there is injury caused to the informant and the same is substantiated by the medical evidence.

6] The medical injury certificate is given by the Government Hospital and the opinion is reserved, so also, the certificate of the private hospital suggests that there is left elbow joint dislocation. The allegation in the FIR is that the villagers has assaulted the informant in which the applicants were instigating the villagers.

7] Prima facie, considering that there is an FIR registered by the Police of the same incident that the informant was illegally transporting the cattle, so also, the fact that no allegations is made out of assault against the present applicants and also considering the fact that this court granted interim protection on 12.08.2024 and the applicants have cooperated with the investigation and that there is no recovery to be made at the instance of the applicants, the interim protection granted by order dated 12.08.2024 deserves to be confirmed.

8] In view of the above, the interim protection granted by order dated 12.08.2024 stands confirmed, on the following terms:

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

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.

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

10] 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.

11] The application stands disposed of.

[ARUN R. PEDNEKER, J.]