



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

958 ANTICIPATORY BAIL APPLICATION NO. 1920 OF 2024

VAIBHAV VITTHALRAO GAIKWAD

VERSUS

THE STATE OF MAHARASHTRA

...

Advocate for Applicant : Mr. V.B. Deshmukh

APP for Respondent/State : Mr. B.B. Bhise

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CORAM : ARUN R. PEDNEKER, J.

DATE : 22/04/2025

PER COURT :

1. Heard the learned counsel for the applicant and the learned APP for the respondent-State.
2. The applicant is apprehending arrest in connection with Crime No. 470/2024 dated 12.10.2024 registered with Tuljapur Police Station, Tq. Tuljapur, District Dharashiv for the offences punishable under sections 109, 118(1), 3(5) of B.N.S., 2023.
3. This Court by order dated 28.10.2024 has granted interim protection to the applicant by noticing the submissions and reasons at para 4 to 7 which are as under :-

"4. On 12.10.2024, at the instance of Atul Bharat Lohar, offence bearing C.R. No. 470/2024 was registered with Tuljapur Police Station, Tuljapur, District Dharashiv for the offences punishable under Sections 109, 118(1), 3(5) of Bharatiya Nyaya Sanhita, 2023 against three persons including the present applicant.

5. It is alleged by the informant that he was assaulted by accused persons. Applicant is alleged to have assaulted him by hockey-stick on right hand. Further injuries were inflicted by other accused persons.

6. Learned Counsel for the applicant submits that due to

previous enmity, applicant is being falsely implicated. Infact he was not present at the relevant time at the spot of the incident.

7. Considering the allegations in the First Information Report and the observations by the learned Additional Sessions Judge, I am inclined to grant interim protection to the applicant."

4. The learned counsel for the applicant submits that he has remained present before the Investigating Officer as directed by this Court and has cooperated with the investigation.

5. Investigating Officer has also verified the CCTV footage of the incident and it is verified that at the relevant time, the applicant was not seen in the CCTV footage. Considering this aspect of the matter, I deem it appropriate to confirm the interim protection granted on 28.10.2024.

6. In view of the above, the application is allowed and the interim protection granted on 28.10.2024 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/