



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

951 ANTICIPATORY BAIL APPLICATION NO. 1917 OF 2024

SWAPNIL SHANNU DESHMUKH AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER

...
Advocate for Applicants : Mr. Rahul R. Karpe a/w. Mr. P.V. Chaudhari
APP for Respondents 1 & 2 : Mr. B.B. Bhise
Advocate for assisting to APP : Mr. S.R. Andhale
...

CORAM : ARUN R. PEDNEKER, J.

DATE : 13.02.2025

PER COURT :

1. Heard the learned counsel for the applicant, the learned APP for the respondents-State and Mr. S.R. Andhale, learned counsel assisting APP.
2. The applicants are apprehending arrest in connection with FIR No. 608/2024 dated 3.10.2024 registered with Karjat Police Station, District Ahmednagar for the offences punishable under sections 109, 189(2), 191(2), 190, 329(3), 324(4), 324(5), 115(2), 352, 351(2) and 351(3) of B.N.S., 2023.
3. This Court by order dated 28.10.2024 has granted interim protection to the applicants by noting the submissions and reasons at para 5 to 8, which is as under :-

"5. It is alleged in the First Information Report that on 30.09.2024 applicants and others unauthorizedly entered in land gut no.268 belonging to the informant and attempted to create road by damaging the standing crops. When the informant and one Savitri tried to oppose them, they were abused. The informant is attempted to be run over by tractor driven by applicant no.1. She rescued herself and injuries were sustained on her hand and leg.

6. Learned Counsel for the applicants submits that other

accused persons were given protection by learned Sessions Court, Shrigonda. Initially the applicants were also given ad-interim protection by additional Sessions Judge, Shrigonda vide order dated 05.10.2024. There is long standing enmity between the applicants and family members of the informant. The proceedings before the revenue Courts are pending. In this backdrop, it is submitted that the applicants have been falsely implicated in the offence in question.

7. Learned APP points out the seriousness of the offence and invites my attention to the observations recorded by the learned additional Sessions Judge in rejecting the application. There are specific allegations against the applicants and it is not therefore desirable to grant interim protection.³

8. Considering the allegations in the First Information Report and the fact that applicants were being protected by the Sessions Court by interim order dated 05.10.2024, I am inclined to grant protection to the applicants, albeit on certain conditions.”

4. The learned counsel for the applicants submits that in pursuance of the interim order of this Court, the applicants had attended the concerned police station and have cooperated with the investigation and the alleged tractor used by the applicants during incident was also produced before the police.

5. The learned advocate assisting APP submits that there are multiple tractors used while committing the offence and the applicants have surrendered only one tractor.

6. This Court has seen the video of occurrence of the incident, which prima facie shows that one tractor was used during the incident. The learned APP has also accorded that only one tractor was used during the incident. During incident no injuries are caused to anybody. In view of the above and considering the interim order of this Court dated 28.10.2024, I

hold that custodial interrogation of the applicants is not necessary.

7. 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 applicants shall attend the police station as and when required.

ii] The applicants shall not tamper with the evidence of the prosecution in any manner. They shall not influence or threaten 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.

8. In the event, the applicants violate 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, J.]

SSC/