



{1}

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

915 ANTICIPATORY BAIL APPLICATION NO. 2001 OF 2024

Shyam Kashinath Ahire
VERSUS
The State Of Maharashtra

.....
Mr. Amol S. Sawant, Advocate for Applicant
Mr. S.K. Shirse, APP for Respondents - State
.....

CORAM : HITEN S. VENEGAVKAR, J.

DATE : 30 SEPTEMBER, 2025

PER COURT :-

1. Heard the Learned Advocate for the Applicant and Learned APP for the Respondent State.

2. The present applicant seeking pre-arrest bail in connection with FIR dated 13.05.2023 bearing C.R. No.0116 of 2023, registered with Deopur Police Station, District, Dhule. In the present crime, the investigation is completed and charge-sheet is filed by the Investigating Officer, which is also placed on record by the applicant.

3. The brief facts leading to filing of the FIR is that, the informant who is the relatives of one Nana Valmik Gawali, whose daughter has eloped with the son of the present applicant were trying to find them and during the search, they reached the village of the present applicant.

{2}

When the informant and other persons along with him were noticed by the present applicant and other co-accused, they enquired as to why they have come to the village and by saying so, the co-accused with the help of dangerous weapon started assaulting the informant and other persons who were there along with him. As far as the present applicant is concerned, the role ascribed to him in the FIR is that, the applicant and one Aniket Ahire, who is also a co-accused, assaulted with fist blows and stick to the informant and one Kunal Arjun Gawali. The FIR also mentions that other co-accused persons have used weapons such as knife, chopper in commissioning of the said offence and assaulting the members of the informant party. The FIR came to be registered initially against seven persons, however, the charge-sheet has been filed only against five persons.

4. The learned advocate for the applicant addressing this Court on the merits of the matter submitted that except the vague statement of assault by the present applicant and one Aniket Ahire with fist blows and stick to the informant and one other injured Kunal Gawali, there is absolutely no role assigned to the present applicant, thus according to him, offence under section 307 will not get attracted as far as the present applicant is concerned. He also took this Court to the statement of Abhishek Bhatu Gawali recorded under section 161 of the Cr.P.C. and

{3}

said statement also does not give any different story from what has been mentioned against the present applicant in the FIR. He also invited my attention to the order passed by this Court granting regular bail to accused Akash Ahire, Aniket Ahire and Ajay Ahire. He submitted that the role of the accused who are already released on bail is much serious and grave as compared to the role attributed to the present Applicant. In the light of above, he prayed that the pre-arrest bail be granted to the applicant and application be allowed.

5. Learned APP argued that the FIR discloses specific assault by the applicant and other co-accused persons using dangerous weapons like knife and chopper. The injury caused to the other injured persons is of serious in nature. The manner in which they all were prepared and equipped with dangerous weapons suggests that it was a well hatched conspiracy to assault the informant and other injured persons as they were found in their village. He argued that there are statements recorded by the Investigating Officer who have categorically stated about the assault using dangerous weapons being caused by the applicant and other co-accused. He prayed rejection of the application and further prayed that custodial interrogation of the present applicant be granted.

{4}

6. I have perused the copy of FIR along with all other statements which were recorded by the Investigating Officer during the investigation. The role of the present applicant is as narrated in the FIR and also reiterated by all the witnesses in their statement recorded under 161 of the Cr.P.C. does not go beyond the fact that the present applicant assaulted the informant either with fist blow or with stick. No doubt, the allegations pertaining to other accused persons assaulting the other injured using knife and chopper are serious. However the records suggest that four co-accused who have used dangerous weapons and have caused injuries are already released on bail. I am conscious of the fact that they have been released on regular bail and were not granted pre-arrest bail. However, taking into consideration the allegations levelled against applicant and that the investigation in the present case is completed, I do not find any reason as to why the investigating officer at this stage will require the applicant's custodial interrogation.

7. In the light of the above, I am inclined to allow the application and grant pre-arrest bail. Hence, I proceed to pass the following order:

ORDER

(i) Application is allowed.

(ii) In the event of arrest of applicant Shyam Kashinath Ahire in connection with Crime No.0116 of 2023, registered with Deopur Police

{5}

Station, District Dhule for offences punishable under sections 307, 324, 323, 504, 506, 143, 144, 147, 148, 149 r/w Section 34 of the Indian Penal Code, he be released on bail on executing Personal Bond and Surety Bond of Rs.25,000/- with one surety in the like amount.

(iii) The applicant should not tamper with the prosecution witnesses and should attend the trial on each and every date.

[HITEN S. VENEGAVKAR]
JUDGE

S P Rane