



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

944 ANTICIPATORY BAIL APPLICATION NO. 2035 OF 2024

SUKHDEV GOVARDHAN RATHOD AND ANOTHER
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER

...
Advocate for Applicant : Mr. V.P. Savant
APP for Respondents 1 & 2 : Mr. A.A.A. Khan
...

CORAM : ARUN R. PEDNEKER, J.

Dated : January 31, 2025

PER COURT :-

1. Heard the learned counsel for the applicants and the learned APP for the respondent-State.
2. The applicants are apprehending arrest in connection with Crime No. 258/2024 dated 23.9.2024 registered with Majalgaon Rural Police Station, District Beed for the offences punishable under sections 118(1), 119(1), 126(2), 140(3), 3(5), 351(2), 351(3), 352 of B.N.S., 2023.
3. This Court by order dated 29.11.2024 has granted interim protection to the applicants. The case against the applicants is that the applicants have assaulted the informant by means of plastic stick and has taken amount, mobile phone and motor bike of the informant.
4. The learned counsel for the applicant denied the incident. However, the learned counsel submits that prior to two days of the incident, one neighbour of the applicants informed them that the informant has committed rape on her and captured her photos and videos and the present informant was blackmailing her and due to that the informant has assaulted the applicants by plastic stick and in that there were no injuries caused to

the informant. The learned counsel submits that the incident narrated by the informant is concocted one and the incident as alleged in the F.I.R. has not happened. The learned counsel submits that the applicants have attended the police station as directed by this Court.

5. Per contra, the learned APP submits that during visit to police station the informant has not given any details as regards motor bike and has not surrendered the mobile and the amount. The learned APP therefore prays for rejection of the application.

6. Since the incident itself as stated by the informant is denied by the applicants, so also the applicants were subjected to interrogation by the I.O. by attending the police station, I hold that custodial interrogation of the applicants is not necessary in this matter.

7. In view of the same, the application is allowed and the interim protection granted on 29.11.2024 is confirmed on the following terms :

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

iii] 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.

iv] 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 applications stand disposed of.

(ARUN R. PEDNEKER, J.)

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