



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

941 ANTICIPATORY BAIL APPLICATION NO. 2037 OF 2024

PARSHURAM RAGHUVIR PARDESHI

VERSUS

THE STATE OF MAHARASHTRA

Advocate for Applicant : Mr. Ghodke Siddhesh Subhashrao
APP for Respondent/State : Mr. G.O. Wattamwar

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CORAM : ARUN R. PEDNEKER, J.

DATE : 07.02.2025

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. 11/2024 dated 11.1.2024 registered with Chalisgaon Road Police Station, District Dhule for the offences punishable under sections 395, 341, 323, 504, 506, 141, 143, 147, 148, 149 and 427 of IPC, section 4 r/w. 25 of Arms Act and section 37(1), 37(3) and 135 of the Maharashtra Police Act.
3. This Court has granted interim protection to the applicant by order dated 6.1.2025 by noting the submissions in para 3 to 6 and reasons in para 7, which are as under :-

"3] The allegations against the applicant are that the applicant along with 20 to 25 persons came on their motor bike near Har Har Mahadev Vyayam Shala in search of Ritik Rajput near the residential area of the complainant. On being asked by the complainant, why they all came together and why are they trying to enter in the Vyayam Shala, the applicant abused the complainant and asked the complainant about Ritik Rajput that they would assault him in which the complainant told them that resolve their dispute outside the Vyayam Shala.

4] It is alleged that the applicant verbally abused the

informant. The applicant's wife and daughter started scuffling with the complainant and snatched her gold chain. On the basis of said allegations, the offence is registered against the applicant under above mentioned sections.

5] The learned counsel for the applicant submits that the complainant and the applicant belongs to opposite political parties and the said crime in question is politically motivated. It is further submitted that the daughter of the present applicant has filed criminal complaint against Ritik Rajput. It is further submitted that section 395 of the Indian Penal Code is the only non-bailable offence and considering the facts situation, the provisions of dacoity are not attracted against the applicant.

6] Per contra, the learned APP submits that the even after registration of the present crime, the applicant has assaulted Ritik Rajput and the offence under Section 307 of the IPC is registered against present applicant. It is further submitted that there are criminal antecedents against the present applicant and cases are pending against the present applicant.

7] *Prima facie*, there is political rivalry between the applicant and the complainant, so also, section 395 of the IPC is not applicable in the instant case as snatching of gold chain is *prima facie* an exaggeration to invoke cognizable provision of Indian Penal Code. Therefore, the custodial interrogation of the applicant is not necessary in the matter."

4. The learned counsel for the applicant submits that in pursuance of the interim order, the applicant has attended the police station and has cooperated with the investigation.

5. Per contra, the learned APP submits that the applicant has attended the police station, but has not produced the gold chain snatched during the incident from the complainant. The learned APP also submits that there are four antecedents against the applicant. This Court at para 7 of the interim order dated 6.1.2025 has already observed that the allegation that wife and

daughter of the applicant has snatched gold chain during scuffle from the complainant is prima facie an exaggeration to invoke cognizable provision of I.P.C. and section 395 of IPC in any event would not be applicable in the instant case. Considering that there is political rivalry between the parties and complainant has cooperated with the investigation in pursuance of the interim order by this Court, interim protection can be confirmed.

6. In view of the above, the application is allowed and the interim protection granted on 6.1.2025 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.]

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