



**IN THE JUDICATURE OF HIGH COURT AT BOMBAY
BENCH AT AURANGABAD**

952 ANTICIPATORY BAIL APPLICATION NO. 1959 OF 2024

2. Dipak Sarjerao Kawale,
Abjijit Suresh Wagh.

VERSUS

The State Of Maharashtra

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Advocate for Applicant : Ms. Suvarna Zaware h/f Mr. Dushing S. B

APP for Respondents-State: Mr. G. O. Wattamwar

Advocate for Assist to APP : Ms. Pratiksha Magre h/f Mr. S. G. Magre

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**WITH
CRIMINAL APPLICATION NO. 4772 OF 2024
IN ABA/1959/2024**

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CORAM : ARUN R. PEDNEKER, J.

Dated : January 10, 2025.

PER COURT :-

1. Criminal Application No.4772/2024 is filed by the informant opposing the pre-arrest bail of the applicants. The said application is allowed and disposed of.
2. Heard the learned Counsel for the applicants, the learned APP for the respondent-State, and the learned Counsel for the informant.
3. The applicants are apprehending arrest in connection with FIR No.920/2024, dated 15/08/2024, registered at Tophkhana Police Station, District Ahilyanagar, for offences punishable under Sections 118(1), 115(2), 119(1), 189(2), 191(2), 191(3), 352, 351(2), and 351(3) of the *Bhartiya Nyaya Sanhita*.
4. This Court, by order dated 21/11/2024, granted interim

protection to the applicants. It is submitted by the learned Counsel for the applicants that, at the relevant time of the incident, the applicants were present at the police station. The learned APP has supported this statement, submitting that the record indicates the applicants were at the police station from 10:30 a.m. to 02:14 p.m. on the day of the incident. This aspect has also been noted by the Additional Sessions Court. However, the Sessions Court rejected the bail application filed by the applicants, for the reason that the case of the informant cannot be discarded at the outset on the basis of Police Station CCTV Footage.

5. Considering the fact that the Police Station CCTV record demonstrates the applicants' were present at the police station, as well as the absence of any allegation in the FIR that the applicants assaulted the informant, the interim protection granted to the applicants is confirmed.

6. In view of the above, the application is allowed in the following terms : -

i] In the event the applicants are arrested in connection with FIR No.920/2024, dated 15/08/2024, registered at Tophkhana Police Station, District Ahilyanagar, for the offences punishable under sections 118(1), 115(2), 119(1), 189(2), 191(2), 191(3), 352, 351(2), 351(3) of the Bhartiya Nyaya Sanhita, they shall be

released on bail on furnishing PR bond of Rs.20,000/- with one or two sureties in the like amount to the satisfaction of the trial Court.

ii] The applicants shall attend the police station as and when called by the police.

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.

7. In the event, the applicants 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.)

vj gawade/-.