



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

**917 ANTICIPATORY BAIL APPLICATION NO. 2131 OF 2024
GANESH ASHOK KURHAT
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER**

**WITH
ANTICIPATORY BAIL APPLICATION NO. 2132 OF 2024
SAGAR ASHOK WAGH
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER**

**WITH
ANTICIPATORY BAIL APPLICATION NO. 2134 OF 2024
AJAY HOUSABAPU KURHAT
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER**

**WITH
ANTICIPATORY BAIL APPLICATION NO. 2186 OF 2024
SAGAR @ JIVA MHASU KUSALKAR
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER**

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Advocate for Applicants : Mr. N. R. Bhavar h/f. Mr. H. D.
Deshmukh
APP for Respondents-State : Mrs. V. S. Choudhari
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**918 ANTICIPATORY BAIL APPLICATION NO. 2133 OF 2024
SAGAR ASHOK WAGH
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER**

WITH

ANTICIPATORY BAIL APPLICATION NO. 2135 OF 2024**GANESH ASHOK KURHAT****VERSUS****THE STATE OF MAHARASHTRA AND ANOTHER****WITH****ANTICIPATORY BAIL APPLICATION NO. 2136 OF 2024****AJAY HOUSABAI @ BAPUSAHEB KURHAT****VERSUS****THE STATE OF MAHARASHTRA AND ANOTHER**

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Advocate for Applicants : Mr. N. R. Bhavar h/f. Mr. H. D.
Deshmukh

APP for Respondents-State: Mr. Sunil B. Jadhav

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CORAM : ARUN R. PEDNEKER, J.**DATE : 09.01.2025****P.C. :**

1] Heard learned counsel for the applicants and the learned APPs for the respondents-State in both the matters.

2] The applicants in ABA No. 2131, 2132, 2134, 2186 of 2024 are apprehending arrest in connection with Crime No. 247 of 2024, dated 21.10.2024, registered at Shanishinganapur Police Station, District Ahmednagar for the offences punishable under sections 109, 132, 121(1), 121(2), 189(2), 189(4), 189(3), 191(2), 191(3), 190, 189(5), 195(1), 352, 351(2), 351(3) and 223 of Bharatiya

Nyaya Sanhita, 2023, under Section 135 of the Maharashtra Police Act, under Section 4, 25 and 7 of the Arms Act and under Section 7 of Criminal Law (Amendment) Act.

3] The applicants in ABA No. 2133, 2135, 2136 of 2024 are apprehending arrest in connection with Crime No. 248 of 2024, dated 21.10.2024, registered at Shanishinganapur Police Station, District Ahmednagar, for the offences punishable under sections 109, 118(1), 115(2), 189(2), 189(4) of Bharatiya Nyaya Sanhita, 2023 and under Sections 4, 25 and 7 of the Arms Act.

4] The learned counsel for the applicant – Ajay Housabapu Kurhat, in ABA No. 2134 of 2024, on instructions, seeks leave to withdraw the application. Leave is granted. ABA No. 2134 of 2024 is dismissed as withdrawn.

5] The Crime No. 248 of 2024 is registered against the applicants at the instance of complaint filed by informant. It is alleged in the complaint that the informant was travelling on motor bike. The applicants assaulted the informant as the informant had given dangerous cut to the vehicle in which the applicants were travelling. It is alleged in the complaint that the informant was primarily assaulted by accused Arjun Mahale. It is also alleged in the complaint that Lakhan Dhage and others have also assaulted the

informant by means of fist and kick blows. The grievous injury is caused to the informant at the instance of Arjun Mahale who is behind the bars. The pillion rider also suffered injury which is simple in nature.

6] Although applicant Ajay Kurhat has withdrawn ABA No. 2134 of 2024 which is in respect of crime No. 247 of 2024, in his other ABA No. 2136 of 2024 which is in respect of crime No. 248 of 2024, there is no role attributed to the applicant Ajay Kurhat.

7] Considering that the incident happened in a spur of the moment and large number of accused were involved in the crime and that Arjun Mahale is already taken in custody, I deem it appropriate to grant anticipatory bail to the applicants except applicant – Ajay Housabapu Kurhat, in ABA No. 2134 of 2024 filed in respect of Crime No. 247 of 2024.

8] The learned APP points out that the police intervene between them, therefore police were also assaulted by the accused/applicants and the crime No. 247 of 2024 came to be registered. However, no specific case is attributed in the F.I.R. registered by the police against the applicants in Crime No. 247 of 2024.

9] In view of the above, except ABA No. 2134 of

2024, all other applications are allowed and interim protection granted in ABA No. 2186 of 2024 vide order dated 24.12.2024 is confirmed and following order is passed :

i] In the event the applicants in ABA No. 2131, 2132 of 2024 are arrested in connection with Crime No. 247 of 2024, dated 21.10.2024, registered at Shanishinganapur Police Station, District Ahmednagar for the offences punishable under sections 109, 132, 121(1), 121(2), 189(2), 189(4), 189(3), 191(2), 191(3), 190, 189(5), 195(1), 352, 351(2), 351(3) and 223 of Bharatiya Nyaya Sanhita, 2023, under Section 135 of the Maharashtra Police Act, under Section 4, 25 and 7 of the Arms Act and under Section 7 of Criminal Law (Amendment) Act, they shall be released on bail on furnishing PR bond of Rs. 20,000/- each with one or two sureties in the like amount to the satisfaction of the trial Court.

ii] In the event the applicants in ABA No. 2133, 2135, 2136 of 2024 are arrested in connection with Crime No. 248 of 2024, dated 21.10.2024, registered at Shanishinganapur Police Station, District Ahmednagar, for the offences punishable under sections 109, 118(1), 115(2), 189(2), 189(4) of Bharatiya Nyaya Sanhita, 2023 and under Sections 4, 25 and 7 of the Arms Act, they shall be released on

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

iii] The above applicants shall attend the concerned police station as and when called for identification.

iv] The above 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.

v] The above applicants shall co-operate with the investigation and also in the proceedings before the trial Court.

10] In the event, the above applicants violate any of the conditions specified in this order, it shall be liable to be cancelled.

11] 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.

12] The applications stand disposed of.

[ARUN R. PEDNEKER]
JUDGE