



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

57 ANTICIPATORY BAIL APPLICATION NO. 2203 OF 2024

1. Rahul Babasaheb Tupe,
2. Babasaheb Sakharam Tupe

VERSUS

1. The State Of Maharashtra,
2. The Superintendent of Police, Ahmednagar.

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Advocate for Applicant : Mr. Shinde Tushar Chandrakant
APP for Respondents-State: Ms. A. S. Mantri

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CORAM : ARUN R. PEDNEKER, J.

Dated : February 24, 2025.

PER COURT :-

1. Heard learned counsel for the applicant and the learned APP for the respondent-State.
2. The applicant is apprehending arrest in connection with FIR No.0274/2024, registered at Shanishingnapur Police Station, for the offences punishable under sections 115(2), 118(1), 119(1), 189(2), 191(2), 191(3) and 333 of the Bharatiya Nyaya Sanhita.
3. This Court granted interim protection to applicant No.1 by order dated 27/12/2024. The learned Counsel for the applicants submits that applicant No.1 has attended the concerned police station. The learned APP submits that applicant No.1 was present at the place of the incident along with ten to twelve unknown persons who assaulted the informant. The learned APP further submits that the identity of those ten to twelve

persons is yet to be ascertained.

4. However, since applicant No.1 has cooperated with the investigation and no injury certificate has been produced on record to indicate any injury sustained by the informant, custodial interrogation is not warranted. It is also to be noted that a civil suit is pending between the parties regarding access through the land of the applicants. Considering the dispute between the parties and the absence of any medical certificate indicating injuries sustained from the alleged assault by the applicants, false implication of the applicants cannot be ruled out.

5. In view of the above, the interim protection granted to applicant No.1 is confirmed, and applicant No.2 is also granted anticipatory bail. The application is allowed in the following terms : -

i] In the event the applicants are arrested in connection with FIR No.0274/2024, registered at Shanishingnapur Police Station, for the offences punishable under sections 115(2), 118(1), 119(1), 189(2), 191(2), 191(3) and 333 of the Bharatiya 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.

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

7. 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.

8. The application stands disposed of.

(ARUN R. PEDNEKER, J.)

vj gawade/-.