



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

956 ANTICIPATORY BAIL APPLICATION NO. 1808 OF 2024

Amol Prakash Bhosale
VERSUS
The State Of Maharashtra And Another
...

**WITH
ANTICIPATORY BAIL APPLICATION NO. 1285 OF 2024**

Shivprasad @ Bunty Bhausahab Ubale
VERSUS
The State Of Maharashtra And Another
...

**WITH
ANTICIPATORY BAIL APPLICATION NO. 1523 OF 2024**

Dnyaneshwar @ Mauli Bhausahab Ubale
VERSUS
The State Of Maharashtra And Another

...
Advocate for Applicants : Mr. Rahul R. Karpe
APP for Respondents-State : Mr. B. B. Bhise
...

CORAM : ARUN R. PEDNEKER, J.
Dated : April 16, 2025.

PER COURT :-

1. Heard learned counsel for the applicants and the learned APP for the respondent-State.
2. The applicants are apprehending arrest in connection with FIR No.0203/2024, dated 09/07/2024, registered at Mirajgaon Police Station, Taluka Karjat, District Ahmednagar, for the offences punishable under sections 140(3), 189(2), 191(2), 189(3), 190, 126, 127(2), 115, 352, 351(2), 351(3) of Bharatiya Nyaya Sanhita and under Section 3/25 of Arms Act, and Section 37(1) (c) and Section 135 of Maharashtra Police Act.

3. The allegations against the applicant Shivprasad are that he is the Sarpanch of Village Adhalgaon, Taluka Shrigonda, District Ahmednagar. A no-confidence motion was moved against him by the uncle of the informant. It is alleged that, in response, one of the member of the Village Panchayat was abducted to avoid defeat in no confidence motion. Accordingly, an FIR has been registered against the applicant and other accused persons.

4. It is submitted that Shivprasad, in his capacity as the Sarpanch, is primarily responsible. The learned Counsel for the applicant states that interim protection has already been granted to him, considering the order dated 08/10/2024 passed in Bail Application No.1666/2024, in respect of the very persons who had allegedly abducted the panch.

5. The learned Counsel further submits that this Court, while passing the said order, had taken note of the conduct of the alleged abducted person, who had not lodged any report either against the applicant or the co-accused. He therefore prays that the interim protection granted to the applicant be confirmed.

6. *Per contra*, the learned APP submits that the abducted person, namely Mr. Nitin Bansi Gavhane, has specifically stated details regarding the incident of abduction and further alleged that the abduction took place

at the instance of the applicants. The learned Counsel assisting the APP submits that the motive behind the abduction was to prevent the no-confidence motion from being moved, which is in violation of democratic principles. Therefore, he prays that the anticipatory bail application of the applicants be rejected.

7. This Court has perused the observations made in the order dated 08/10/2024 passed in Bail Application No.1666/2024, particularly paragraphs 4 and 5, which are as follows : -

"4. It appears that it was an incident happened out of the political rivalry. The prosecution case in brief was that on the day of the incident, the vehicle of the first informant was intercepted by two cars and one Village Panchayat member namely Nitin Bansi Gavhane was taken from their custody to Mahabaleshwar. It is an admitted fact that the said person travelled with the so-called accused for two days. However, he never tried to escape and inform the first informant about his whereabouts. The applicants were not named in the FIR. However, subsequently they were arraigned as an accused in the crime. Till date, the person abducted is not coming forward against the applicants. On the contrary, his statement shows that he was given good treatment. The prosecution has further case that he was abducted to restrain him from casting vote to the no confidence motion.

5. The conduct of alleged abducted person was important. He did not lodge the report against the applicant or the co- Accused. He was the victim, but he preferred not to indulge in the rival groups of the village politics. There are no allegations of using the weapon to cause the injury to the abducted person. Though the learned APP has tried to argue that due to the acts of the applicants and other

co-accused, the no confidence motion resolution was failed, it cannot be said to have concern with the alleged offence of abduction. The silence of the person abducted speaks a lot. In the circumstances, there are no reasons to keep the applicant behind bar. Hence, the following order.....”

8. This Court has particularly observed that the alleged abducted person has not supported the case of the prosecution. At this stage, it is difficult for the Court to determine whether the said persons were actually abducted or had voluntarily travelled with the applicants. Considering that the alleged abducted persons have not supported the prosecution's case, and further taking into account that four co-accused have already been granted regular bail by this Court vide order dated 08/10/2024 in Bail Application No.1666/2024, the interim protection earlier granted to the applicants stands confirmed.

9. 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.0203/2024, dated 09/07/2024, registered at Mirajgaon Police Station, Taluka Karjat, District Ahmednagar, for the offences punishable under sections 140(3), 189(2), 191(2), 189(3), 190, 126, 127(2), 115, 352, 351(2), 351(3) of Bharatiya Nyaya Sanhita and

under Section 3/25 of Arms Act, and Section 37(1) (c) and Section 135 of Maharashtra Police Act, 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.

10. In the event, the applicants violates 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, J.)

vj gawade/-.