

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO. 2769 OF 2023

Dr Vijaysinh Dagadu Gavali and Anr. ... Applicants

Versus

State of Maharashtra ... Respondent

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Mr. Sushil D. Shinde a/w. Mr. Vaibhav B. Ahiwale, Advocates for the Applicants.

Mr. Ashok Gawai, APP for the State.

ASI – Appa Kabir Karche, Pandharpur Gramin Police Station present.

CORAM : SHIVKUMAR DIGE, J.

DATED : 14th FEBRUARY, 2025.

P.C. :

1. The applicants are apprehending arrest in C.R.No. 383 of 2023 registered with Pandharpur Gramin Police Station for the offences punishable under Sections 324, 365, 327, 143, 147, 148, 149 of Indian Penal Code and under Section 135 of Maharashtra Police Act, 1951.

2. It is prosecution's case that informant was kidnapped by the co-accused and was beaten up by the co-accused and thereafter he was taken on the motorcycle of the co-accused to cowshed of the applicant No.1, there applicants and co-accused assaulted the first informant.

3. It is contention of learned counsel for the applicants that applicants have been falsely implicated in this case. The co-accused against whom same allegations are made, have been released on anticipatory bail by this

Court. The applicants are on interim relief for two years. They have cooperated in the investigation. The applicants are entitled for bail on principle of parity, hence requested to allow the application.

4. It is contention of learned APP that applicants and co-accused kidnapped the victim and beaten him due to old dispute. The statement of first informant shows that the applicants were actively involved in the crime. Considering the allegations against the applicants custodial interrogation of the applicants is required and requested to reject the application.

5. I have heard both the learned counsel. The allegations against the applicants are that they along with co-accused beaten up the first informant and first informant was kidnapped by the co-accused. I am told that charge-sheet has been filed against the applicants it shows that investigation is completed. The applicants are on interim relief for two years. Applicants have cooperated in the investigation. Moreover, co-accused have been released on anticipatory bail by this Court, considering this fact, the applicants are entitled for bail on the principle of parity and I pass following order.

ORDER

- (i) In the even of arrest the applicant be enlarged on bail in C.R.No.383 of 2023 registered with Pandharpur Gramin

Police Station, on executing P.R.Bond of Rs.20,000/- each on furnishing one or two sureties of the like amount.

- (ii) The applicants shall attend the concerned police station once in a month i.e. on first Monday of the month between 11.00 a.m. to 3.00 p.m. till framing of charge.
- (iii) The applicants shall not tamper with the evidence or attempt to influence or contact the complainant, witnesses or any person concerned with the case.
- (iv) The applicants shall not contact the victim and prosecution witnesses.

6. Both the Bail Applications are allowed in the aforesaid terms and accordingly disposed of.

7. All concerned to act on the authenticated copy of this order.

(SHIVKUMAR DIGE, J.)