

Police Station, Dist. Ahmednagar for the offences punishable under sections 326, 324, 323, 143, 147, 149, 506 and 427 of the Indian Penal Code, 1860.

3. Allegations of the prosecution are that the applicants and other co-accused had been to Hotel Tirupati in front of Market yard, owned by the complainant. There was exchange of words between the complainant and accused persons on account of order of dinner and therefore the accused persons have assaulted the complainant by means of weapons like wooden log, iron rod.

4. Mr. Gaware, the learned counsel for the applicants, referring to the contents of FIR, argued that there is no specific role attributed to the present applicants nor there is any evidence to show that the applicants were armed with particular weapons and therefore, custodial interrogation of the applicants is not necessary. As against this, learned APP states that the offence committed by the accused persons is very serious. Police custody of the applicants/accused would be required for the recovery

of weapons used by them in the alleged crime.

5. I have gone through the contents of the FIR, from which, it is seen that the allegations against the present applicants are in reference to the exchange of words between the complainant and the applicants when the applicants had been to the Hotel of the complainant for dinner. At that time applicants have abused the complainant and went away and thereafter 10 to 12 persons came at the spot armed with weapons like wooden logs, iron rods etc. The allegation of having weapons in their hands is against the unknown persons. There is no allegation of use of weapons while committing the alleged crime. Therefore, I do not think that custody of the applicants is required for recovery of any weapon. The Police can investigate very well without custody of the applicants/accused. In the circumstance, the application deserves to be allowed and it is accordingly allowed.

6. In the event of arrest of the applicants in connection with Crime No. I-136/2017 registered with Kotwali Police Station, Dist. Ahmednagar, they shall

be released on bail on their executing P.R. Bond of Rs. 25,000/- [Rs.Twenty five thousand only] each with one solvent surety in the like amount.

7. Applicants shall not tamper with the prosecution evidence in any manner and shall cooperate in the further investigation.

8. Criminal application disposed of.

(K. L. WADANE, J.)

JPC