

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

20 ANTICIPATORY BAIL APPLICATION NO.1097 OF 2020

1. MAYUR SUNIL GAJBHARE
2. MAHENDRA NAMDEVRAO GAWLI
VERSUS
THE STATE OF MAHARASHTRA

...
Advocate for Applicants : Mr. Jaiswal Rupesh A
APP for Respondent/State: Mr. S.B. Narwade
...

**CORAM : M. G. SEWLIKAR, J.
 (VACATION COURT)**
DATE : 20.11.2020

PER COURT :

Heard Shri.R.A. Jaiswal learned counsel for the Applicants and Shri. S.B. Narwade learned APP for the Respondent/State.

2. The allegations against the applicants are that the applicants and other accused demanded money from the informant. The informant did not pay the money and therefore, the accused-Sunil assaulted the informant by means of a knife. The informant intercepted the blow of knife by his left hand owing to which, he sustained incised wound on the left hand. The informant was made to sit on the motor cycle but the informant fell down. Accused-Sunil delivered blows of knife on the buttocks of the informant. On these allegations, FIR was lodged on

05.01.2020 during the hospitalization of the informant on the basis of which offence under Sections 307, 326, 506 and 34 of IPC has been registered against the applicants.

3. Shri. Rupesh Jaiswal submitted that the role of the applicants is only of making the informant sit on the motor cycle. He submitted that custodial interrogation of the applicants is not necessary.

4. Shri.S.B. Narwade submitted that offence is serious in nature. He submitted that the Medico Legal Certificate issued by the Dr.Shankarrao Chavan Govt. Medical College and Hospital Vishnupuri, Nanded shows that the informant had three injuries. He submitted that the applicants facilitated the commission of the offence and therefore, their custodial interrogation is necessary. He submitted that there are eye witnesses to the incident and CCTV footage also shows the presence of the applicants.

5. On perusal of the FIR, it is seen that the applicants role commenced only after the assault on the abdomen of the applicant was made by accused – Sunil and which was intercepted by the informant. As per the FIR, the applicant – Mahendra pinned the informant down and applicant Mayur and accused-Yogesh made the informant sit on the motorcycle. Except this, no other act is attributed to the applicant. In view of this, custodial interrogation of the applicants is not necessary. Hence, the order:

ORDER

(I) Application is allowed.

(II) In the event of arrest of the applicants in connection with Crime No.10 of 2020 registered with Nanded Rural Police Station under Sections 307, 326, 506 and 34 of IPC, each of the applicants be released on anticipatory bail on their furnishing PR bond of Rs.15000/- each with one solvent surety each in the like amount and on the condition that they shall not interfere in the investigation and shall remain present before the Investigating Officer as and when called upon to do so and they shall not pressurize the witnesses and shall not influence them.

(M. G. SEWLIKAR, J.)

Sameer