

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

10 ANTICIPATORY BAIL APPLICATION NO.428 OF 2020

1] KRUSHNA S/O. LAXMAN WAGHMARE

2] LAXMAN S/O MUNJAJI WAGHMARE

VERSUS

THE STATE OF MAHARASHTRA

...

Advocate for Applicants : Patil Ramchandra S

APP for Respondent State: V.S.Badakh

...

CORAM : MANGESH S. PATIL, J.

DATE : 18.01.2021

PC. :-

This is an application under Section 438 of the Cr.P.C. as the applicants are apprehending their arrest in connection with Crime No.29/2020 registered with Malakoli Police Station, Nanded for the offences punishable under Sections 395, 323, 504 and 506 and 452 of the I.P.C.

2] Shortly stated the allegations as can be appreciated are to the effect that on account of previous enmity all the accused including the present 2 applicants committed criminal house trespass by entering into the house of the informant and robbed her of a gold ornament and cash.

3] Before adverting to the rival contentions it is necessary to observe that according to the learned A.P.P. as per the written instructions of the Investigating Officer, on the basis of the investigation it has now transpired that it was not an offence punishable under Section 395 of the I.P.C. and the

Section has been dropped from the charge while submitting the charge sheet. He has also informed in writing that except these 2 accused applicants, there was no involvement of the other 4 accused and they have been dropped from the array of the accused and the charge sheet is filed only against the present applicants for the offences punishable under Sections 452, 323, 504 and 506 read with Section 34 of the I.P.C.

4] Without indulging into any further discussion, it is sufficient to observe that going by the offences now being charged against the applicants, there is no impediment in confirming the ad-interim anticipatory bail granted to them by the order dated 27/4/2020.

5] The application is allowed. The ad-interim relief stands confirmed with same terms and conditions.

[MANGESH S. PATIL, J.]

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