

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

**ANTICIPATORY BAIL APPLICATION NO. 389 OF 2021**

1. Maharudra s/o Mohan Kele,  
Age 23 years, Occ. Education.
2. Mahajan s/o Mohan Kele,  
Age 24 years, Occ. Education.
3. Sachin s/o Mohan Kele,  
Age 21 years, Occ. Education.
4. Mohan s/o Bajirao Kele,  
Age 50 years, Occ. Agriculture.
5. Revan s/o Bajirao Kele,  
Age 47 years, Occ. Agriculture.
6. Krushna s/o Shivaji Thorat,  
Age 21 years, Occ. Education.

All r/o. Kelewadi, Tq. Washi,  
District Osmanabad.

... **Applicants.**

**VERSUS.**

The State of Maharashtra,  
Through Investigating Officer,  
Washi Police Station, Dist.  
Osmanabad.

... **Respondent.**

...

Advocate for the Applicants : Mr. H. D. Deshmukh.  
APP for the Respondent/State : Mr. S.P. Sonpawale.

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|--------------|-------------------------------|
| <b>CORAM</b> | <b>: MANGESH S. PATIL, J.</b> |
| <b>DATE</b>  | <b>: 05.05.2021.</b>          |

**PER COURT :**

Apprehending their arrest in connection with Crime No. 77/2021,  
registered with Washi Police Station for the offences punishable under

Section 307, 395, 326, 147, 148, 149, 324, 323, 504, 506 of the Indian Penal Code, the applicants are seeking bail under Section 438 of the Code of Criminal Procedure.

2. I have heard both the sides and perused the papers of the investigation. After having heard both the sides when this Court expressed its disinclination to grant anticipatory bail to the applicant Nos. 1, 2 and 5 on merits, their learned advocate, on instructions, seeks leave to withdraw the application to their extent.

3. The allegations are to the effect that the applicant No. 1 was annoyed with the informant as the informant who has been engaged in transport business was accepting the fare of one Mr. Kamble. He was annoyed by the insistence of the informant to go ahead and conduct the business by transporting Mr. Kamble. It is alleged that pursuant to such annoyance the applicants intercepted the informant and his companion Mr. Laxman who were proceeding on foot. The applicants No. 1, 2 and 6 are stated to have assaulted both of them with iron rod and a tommy. The allegations are also about the applicant No. 1 having snatched cash from the pocket of informant and applicant No. 2 having snatched a gold chain from around his neck.

4. As can be seen from the F.I.R. as well as the statement of the injured Laxman, the allegations against the applicants No. 3, 4 and 6 are vague and omnibus stating that they all also participated in the assault.

5. The MLCs would reveal that the informant and Laxman had sustained only one and two CLWs respectively which were simple in nature. Besides, these injuries are attributable to the applicant Nos. 1, 2 and 5 and not to the other applicants. Even the money and the gold chain is to be recovered from them and not the other applicants.

6. Considering all the aforementioned facts and circumstances, in my

considered view the applicant Nos. 3, 4 and 6 deserve to be granted anticipatory bail

7. The Application is partly allowed. In the event of arrest of the applicant No. 3- Sachin s/o Mohan Kele, applicant No. 4- Mohan Bajirao Kele and applicant No. 6-Krushna Shivaji Thorat in connection with Crime No. 77/2021, registered with Washi Police Station for the offences punishable under Section 307, 395, 326, 147, 148, 149, 324, 323, 504, 506 of the Indian Penal Code, they shall be released on bail on their executing personal recognizance for an amount of Rs. 15,000/- (Rs. Fifteen Thousand only) each and furnishing a solvent surety in the like amount each, subject to following conditions :

(a) They shall attend the concerned Police Station as and when called by the Investigating Officer and shall cooperate him.

(b) They shall not tamper the evidence or influence the witnesses.

8. The Application to the extent of applicant Nos. 1, 2 and 5 is dismissed as withdrawn.

(MANGESH S. PATIL, J.)

mkd/-