

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

**ANTICIPATORY BAIL APPLICATION NO.518 OF 2021**

1. Golya @ Yasraj Dipak Ahire
2. Dipak Pratap Ahire
3. Khushraj @ Krushnaraj Dipak Ahire     ... **APPLICANTS**

**VERSUS**

The State of Maharashtra & anr.                     ... **RESPONDENTS**

.....  
Shri G.D. Jain, Advocate for applicants  
Shri Y.G. Gujarathi, A.P.P. for respondents – State  
.....

**CORAM :   R. G. AVACHAT, J.**  
**(VACATION COURT)**

**DATE :       25th MAY, 2021**

**ORDER :**

This is an application for bail under Section 438 of the Code of Criminal Procedure. The applicants apprehend arrest in connection with Crime No.52/2021, registered at Shindkheda Police Station, District Dhule for the offences punishable under Sections 394, 324, 323, 504, 506 read with Section 34 of the Indian Penal Code.

2.             The First Information Report (F.I.R.) has been

lodged by the victim himself on 5/4/2021. It is alleged in the F.I.R. that, on 2/4/2021, at about 7.30, the applicant along with two other unknown persons had come to the hotel of the informant. They took meal. The elder brother of the informant gave them the bill and asked for the payment. They refused to pay and went away. Within half an hour the applicants and co-accused Alkesh came back to the hotel. The applicant No.1 was armed with a sickle. The others had with them sticks. They assaulted the informant and his brother Bhupendra. The applicant No.1 assaulted on the head of the informant with the sickle. Due to the assault, the informant had fallen to the ground. The applicant Dipak relieved the informant of his gold chain and all of them then went away. One Pradip Pardeshi came to the hotel and rushed the informant and his brother to the hospital.

3. Heard. The learned A.P.P. submitted for rejection of the application on the ground of seriousness of the offence. He would further submit that, the gold chain is to be recovered.

4. The learned counsel for the applicant would, on the other hand, submit that, the matter has been compromised. A writing to that effect has been executed.

He, therefore, urged for grant of the application.

5. It appears that, out of the same incident, rival F.I.Rs. have been filed against each other. The F.I.R. in question has been lodged two days after the alleged incident. A deed of compromise has been executed between the parties. A copy thereof is on record. With a view to give peace a chance, I am inclined to grant the application. Hence the order : -

**ORDER**

(i) The application is allowed.

(ii) In the event of arrest of the applicants in connection with Crime No.52/2021, registered at Shindkheda Police Station, District Dhule for the offences punishable under Sections 394, 324, 323, 504, 506 read with Section 34 of the Indian Penal Code, the applicants shall be released on bail on their executing P.R. bond in the sum of Rs.15,000/- (Rupees fifteen thousand) each with one surety in the like amount.

(iii) The applicants shall appear before the

investigating officer as and when required. The applicants shall not tamper with the prosecution evidence.

**( R. G. AVACHAT )  
JUDGE**

fmp/-