

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

24 ANTICIPATORY BAIL APPLICATION NO.1011 OF 2021

- 1) Mukund s/o Damodhar Khade,
Age 44 years, Occ. Service,
R/o. Kotul, Tal. Akole Dist. Ahamednagar.
- 2) Shobha w/o Mukund Khade,
Age 35 years, Occ. Household,
R/o. Kotul, Tal. Akole Dist. Ahamednagar.

VERSUS

The State of Maharashtra and Another

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Mr. Shaikh Mazhar A.Jahagirdar, Advocate for the applicants
Mr. S.B.Narwade, APP for the respondent-State
Mr. M.B.Sandanshiv, Advocate (Appointed) for complainant

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CORAM : PRAKASH D. NAIK, J.

DATE : 4th OCTOBER, 2021

PER COURT :

1] This is an application for pre-arrest bail in CR No.289 of 2021 registered with Akole Police Station, Akole, Dist. Ahmednagar for offences punishable under Sections 326, 452, 324, 323, 354-A, 504, 506 of the Indian Penal Code and Section 8 of the Protection of Children from Sexual Offences Act, 2012.

2] The First Information Report was registered on 7th August, 2021. In nutshell, the allegation are that on 26th August, 2021, the applicants came with co-accused Tanmay Khade. The co-accused Tanmay Khade is the son of the applicant No.1. He assaulted the injured by knife. He has also allegedly hugged the victim.

3] The learned Counsel for the applicant submitted that the applicants are falsely implicated in this case. The FIR is registered against the opponents vide CR No.288 of 2021 under Sections 354, 324, 323, 341, 143, 147, 149, 504, 506 of the Indian Penal Code and Sections 3(1) (r), 3(1) (s), 3(2) (5), (a), 3(1) (w) and (j) of the Prevention of Atrocities Act against SC & ST. It is submitted that the son of the applicant had sustained injury. He has been arrested. The applicants are not attributed any specific overt act and the custodial interrogation is not necessary.

4] Learned APP submitted that both applicants had played active role. Applicants were involved in assault. Injured has suffered injury.

5] The prima role is attributed to co-accused who has been arrested. Applicants need not be submitted to custodial interrogation. Hence, I pass following order :

ORDER

- (i) Anticipatory Bail Application No. 1011 of 2021 is allowed.
- (ii) In the event of arrest of applicants in CR No.289 of 2021 registered with Akole Police Station, Akole, Dist. Ahmednagar, the applicants be released on bail on their executing PR bond in the sum of Rs.20,000/- each, with one or more sureties in the like amount.
- (iii) The applicants shall appear before the Investigating Officer on 13th, 14th and 18th October, 2021 between 11.00 am to 01.00 pm and thereafter, as and when called by the concerned Investigating Officer, till filing of the charge-sheet.

(iv) The Application stands disposed of.

(v) The Registry shall pay the professional fees to the appointed Advocate.

(PRAKASH D. NAIK, J.)

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