

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

ANTICIPATORY BAIL APPLICATION NO. 1018 OF 2021

1. Abhishek s/o Siddharth @ Mangesh Raut ... **Applicants**
Age 21 years, Occu: Student
R/o 6-3-75, Kranti Nagar, Aurangabad.
2. Shubham s/o Ashik Borde,
Age 24 years, Occu: Business
R/o 5-17-81, Kranti Nagar, Aurangabad
3. Sainath @ Sai s/o Kailas Tribhuvan
Age 20 years, Occu: Labour
R/o 5-10-30, Kranti Nagar, Aurangabad
4. Rohit @ Raju S/o Raju Sonawane
Age 20 years, Occu: Labour
R/o 5-10-30/62 Kranti Nagar, Aurangabad
5. Yogesh s/o Bla @ Balu Salve
Age 24 years, Occu: Business
R/o Lane NO.2, Kranti Nagar, Aurangabad

VERSUS

The State of Maharashtra,
Through Vedantnagar Police Station,
Aurangabad

Respondent

Mr. A. K. Bhosale, Advocate for the applicants,
Mr. S. B. Narwade, A.P.P. for the State.
Mr. S.G. Shinde, Advocate assists to P.P.

CORAM : PRAKASH D. NAIK, J.
DATE : 7th October, 2021

ORDER:

1. This is an application under section 438 seeking pre-arrest bail in connection with C.R. No. 19/2021 registered with Vedantnagar

Police Station, Aurangabad for the offences punishable under Sections 307, 143, 147, 148, 149, 201 of the Indian Penal Code (for short "IPC"). The First Information Report (for short "FIR") was lodged on 30th January, 2021.

2. As per version of the complainant in FIR, Nikhil Borde assaulted Imadkhan by iron rod. Ajay Abhi Rawat assaulted Irfan Beg by iron pipe and Ajay Kharat assaulted Imadkhan by weapon like knife and 4/5 other persons had assaulted them with kick and first blows. Supplementary statement of the complainant was recorded in which he stated the name of Abhishek Rawat (Applicant No.1) be replaced in place of Ajay Abhi Rawat.

3. The applicants had preferred an application before the Sessions Court which has been rejected by order dated 16.08.20221.

4. Learned counsel for the applicants submitted that the applicants are falsely implicated in this case. They are not named in the FIR. They are sought to be arrested as unknown persons who were referred to in the FIR and those persons allegedly involved in assaulting with kick and first blows. The other accused who are attributed specific overact of assault with weapon were arrested and granted bail. The orders granting bail are annexed to this application. He further submitted that the parties have compromised and has arrived at

amicable settlement. Informant has no objection for granting bail to the applicants.

5. Learned APP submitted that the compromise if any is not brought to the notice of the investigating agency. The offence is of serious nature. Supplementary statement of the informant involves applicant no. 1. The injured imadkhan had sustained injury to head and mouth. The role attributed to applicant no.1, in accordance with the supplementary statement of the complainant is serious. There are statements of eye witnesses. N.C. has been registered by the informant on 1st February, 2021.

6. I have perused FIR and the investigation papers. As per the FIR, specific role has been attributed to the persons who are named and other persons who had allegedly assaulted with kick and fist blows were unknown persons. Supplementary statement of the complainant was recorded subsequently in which he has exonerated one person who was attributed serious role and involved applicant No.1 in his place. All those persons who are attributed role, by mentioning their names, of assault with weapons are arrested and granted bail.

7. The learned counsel for the complainant submitted that the parties have arrived at settlement to maintain harmony. Injured

Imadkhan had sustained blunt trauma to head which is simple injury and blunt trauma to mouth which is also simple injury.

8. Considering the factual aspects of the matter, this application can be allowed. Hence, I pass the following order :-

ORDER

- i. Anticipatory Bail Application No. 1018 of is allowed;
 - ii. In the event of arrest of the applicants in C.R. No. 19/2021 registered with Vedantnagar Police Station, Aurangabad, the applicants be released on bail on executing PR bond in the sum of Rs. 20,000/- each, with one or more sureties in the like amount;
 - iii. The applicants shall attend the investigating officer on 20th, 21st and 22nd October, 2021 between 11.00 a.m. to 1.00 noon and thereafter as and when called for.
9. Anticipatory Bail Application stands disposed of accordingly.

(PRAKASH D. NAIK, J.)

JPC