

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

ANTICIPATORY BAIL APPLICATION NO. 1100 OF 2021
WITH APPLN/2257/2021 IN ABA/1100/2021

1. BHIMRAO VITTHAL KADAM.
2. DEVANAND S/O. KISHANDRAO PADGHANE.
3. GANESH S/O. VITTAL KADAM.
4. JYOTI W/O. BHIMRAO KADAM.

VERSUS
THE STATE OF MAHARASHTRA

Advocate for Applicants : Mr. P.B. Kamble.
APP for Respondent : Mr. V.M. Kagne.
Advocate for assist to APP : Mr. A.P. Deshmukh.

CORAM : PRAKASH D. NAIK, J.
DATE : 05.10.2021.

Per Court :

1. This is an application for anticipatory bail in Crime No. 188/2021, registered with Hadgaon Police Station, District Nanded, for the offences punishable under Sections 452, 326, 324, 504, 294, 34 of the Indian Penal Code.

2. The first information report was registered on 25.07.2021. It is alleged that the applicants were involved in assaulting the complainant. Applicant No. 1 had assaulted the complainant with iron rod, causing injury to head. Applicant No. 2 has assaulted by wooden log of axe and applicants No. 3 and 4 were

involved in abusing and participating in the offence.

3. Learned Advocate for the applicant submitted that the applicants are falsely implicated in this case. The FIR was registered on account of enmity. No corresponding injuries. There is no specific role is attributed to the applicants No. 2, 3 and 4.

4. Since the Court was not inclined to grant relief to applicant No. 1, learned Advocate for applicants, on instructions, submitted that he would not press the application for applicant No. 1 and the same may be allowed to be withdrawn.

5. Learned APP submitted that the complainant had sustained head injury to the parietal region which is of grievous nature. He has also sustained injuries to the occipital calf and right ear which are grievous.

6. Learned counsel for the complainant also reiterated submissions of learned APP. He submitted that all the accused have participated in the offence.

7. At the outset, considering the submissions of the learned counsel for the applicant, the application qua applicant No. 1 is allowed to be withdrawn. Considering the role attributed to applicants No. 2, 3 and 4, they need not be subjected to custodial interrogation.

ORDER

i. Anticipatory Bail Application No. 1100/2021 is allowed to the extent of applicants No. 2, 3 and 4.

ii. Application of applicant No. 1 is dismissed as withdrawn.

iii. In the event of arrest of applicants No. 2, 3 and 4 in Crime No. 188/2021 registered with Hadgaon Police Station, District Nanded, they be released on bail on executing P.R. bond in the sum of Rs. 20,000/- (Rupees twenty thousand) each with one or more sureties in the like amount.

iv. Applicants No. 2, 3 and 4 shall appear before the Investigating Officer on 12.10.2021, 13.10.2021 and 14.10.2021

between 11:00 am and 01:00 pm and thereafter, as and when called for till filing of the charge-sheet.

v. Criminal Application No. 2257/2021 is disposed of.

(PRAKASH D. NAIK, J.)

S.P.C.