

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

948 ANTICIPATORY BAIL APPLICATION NO.1195 OF 2021

BALAJI NANA GAIKWAD
GANESH VIJAY NAIKWADI
SAGAR KAILAS MOTE
VERSUS
THE STATE OF MAHARASHTRA

...
Advocate for Applicants : Mr. Sanjay A. Nandure
APP for Respondents: Mr. A.S. Shinde.

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CORAM : PRAKASH D. NAIK J.
DATE : 28TH OCTOBER, 2021.

PER COURT:

1] The applicants are apprehending arrest in Crime No. 275 of 2021 registered with Police station Tuljapur, Dist. Osmanabad for the offence under section 294, 452, 325, 504 r/w. 34 of IP.c

2] The complainant has alleged that the accused had gathered at a public place and they were dancing and singing obscene songs. The incident had occurred on 15.8.2021 at about 12.15 hours. Since it was too late in the night, the complainant questioned them about their conduct. At about 12.45 hours, the accused knocked the door of the complainant's house and abused him. The complainant noticed that the accused were armed with weapons like hammer, sword and stick. The complainant was assaulted by fist blows resulting in simple injury.

3] The learned counsel for the applicants submitted that custodial interrogation of the applicants is not necessary. They would not repeat similar acts. They would abide by any condition imposed by this court. They would not intimidate, harass or cause nuisance to the complainant or his family members. They are willing

to stay out of village Aradhwadi till whatever period directed by this court.

4] The learned APP submits that there are 3 cases registered against applicant No.1 in the past. The conduct of the applicants as reflected in the FIR deserves to be condemned.

5] Considering the nature of injury and the submission made by the learned counsel for the applicant on stringent conditions, relief in this application can be granted to the applicants.

: O R D E R :

[i] Anticipatory Bail Application No. 1195 of 2021 is allowed.

[ii] In the event of arrest of the applicants in connection with Crime No. 275 of 2021 registered with Tuljapur Police Station, Dist. Osmanabad, the applicants be enlarged on bail on furnishing PR Bond in the sum of Rs. 20,000/- each, with one or two sureties in the like amount.

[iii] The applicants shall appear before the I.O. once in a week between 11.00 a.m. to 1.00 p.m. until further orders.

[iv] The applicant shall stay out of village Aradhwadi till further orders.

[v] The applicants shall not intimidate, harass or cause nuisance to the complainant or his family members and shall not tamper with the evidence. In the event it is found that the applicants have breached the conditions in this order, State or the complainant would be at liberty to prefer an application for cancellation of bail.

[vi] The application stands disposed of.

**[PRAKASH D. NAIK]
JUDGE**

GRT/-