

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

934 ANTICIPATORY BAIL APPLICATION NO.1360 OF 2021

- 1) Rajesh Subhash Saidane (Koli),
 - 2) Aalkesh Raosaheb @ Bhurya Saidane (Koli),
 - 3) Mahendra Subhash Saidane (Koli),
 - 4) Raosaheb Gopichand Saidane (Koli),
 - 5) Jayesh Hiralal Bagul,
 - 6) Sandeep Gulab Koli
- ...Applicants

VERSUS

The State of Maharashtra

...Respondent

...

Mr. V.D.Hon, Senior Advocate, i/b Ashwin V.Hon, Counsel for applicants
Mr. A.V.Deshmukh, APP for respondents-State

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CORAM : PRAKASH D. NAIK, J.

DATE : 17th NOVEMBER, 2021

PER COURT:

1] Heard both sides. The applicants are apprehending arrest in connection with Crime No.0244 of 2021 registered with Shindkheda Police Station, Tal.Shindkheda Dist.Dhule for the offences under Sections 307, 452, 143, 147, 148, 149, 323, 504, 506 and 427 of Indian Penal Code (for short, 'IPC'). The First Information Report (for short, 'FIR') was registered by Milind Devidas Sonawane on 13th October, 2021.

2] The case of the complainant as apparent from the FIR is that the applicants and the other accused had abused and questioned as to why the informant is to complain against the tractor and transportation of Sand. Accused Bhausaheb was allegedly having stick while rests of the

accused were having iron rode and wooden stick. The accused had entered into the house of the informant. Role of assault by weapon is attributed to accused Bhausahab while allegedly assaulted a blow of *Gupti*. The articles from the house of the informant were scattered by the accused.

3] Learned Counsel for the applicants submitted that although the applicants are named in the FIR, no specific overt act has been attributed to them. They have not participated in the assault. Accused Bhausahab was allegedly involved in assaulting the injured and he has been arrested.

4] Learned APP submitted that all the accused had gathered together. They had a common object. They have participated in the offence. On account of the information provided about the use of tractor for transporting Sand, the injured was assaulted. The presence of the applicants has shown in the FIR. The injured had sustained three injuries.

5) From the tenor of the FIR, it appears that the applicants are named in the FIR. However, the allegations qua the applicants are vague. No specific overt act has been attributed to them. Role of assault has been appeared to one accused. I have perused the injury certificate, which indicates that the complainant had suffered three injuries in the nature of brew abrasion and all the injuries are simple in nature.

6] In the light of factual aspects of this matter, the applicants need not be subjected to custodial interrogation and case for allowing this application is made out. Hence, I pass the following order.

ORDER

- (i) Anticipatory Bail Application No.1360 of 2021 is allowed and disposed of.
- (ii) In the event of arrest of applicants in connection with Crime No.0144 of 2021 registered with Shindkheda Police Station, Tal.Shindkheda Dist. Dhule, the applicants be released on bail on their executing PR. Bond in the sum of Rs.20,000/- with one or more sureties in the like amount.
- (iii) Applicants shall report Investigating Officer on 25th , 26th and 27th November, 2021 at 11.00 am to 01.00 pm and thereafter, as and when called for, till filing of charge-sheet.
- (iv) The applicants shall not tamper with the evidence.

(PRAKASH D. NAIK, J.)