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

927 ANTICIPATORY BAIL APPLICATION NO.1422 OF 2021

TUKARAM VELLUJI MARKAD AND ANOTHER
VERSUS
THE STATE OF MAHARASHTRA

Advocate for Applicants : Mr. Narayan B. Narwade
APP for Respondents: Mr. A.V. Deshmukh

CORAM : PRAKASH D. NAIK.

DATE : 16th DECEMBER, 2021.

PER COURT:

1] The applicants are apprehending arrest in Crime No.784 of 2021 registered with Pathardi Police Station, District Ahmednagar for the offences punishable under Sections 326, 307, 324, 143, 147, 148, 149, 504 and 506 of IPC.

2] The complaint is lodged by Shivaji Govind Markad. It is alleged that on 19th October, 2021, accused were armed with wooden stick, iron rod and axe. Subhash Vitthal Markad assaulted injured witness Devidas Lawande with axe by giving blow on his head. Other persons were involved in assault.

3] Subhash Vitthal Markad had lodged FIR vide Crime No. 810 of 2021 with the same police station for the offences under Sections 326, 324, 143, 147, 148, 149, 323, 504, 506 of IPC. The complainant in the present FIR has been named as the accused in this FIR. The applicants herein were allegedly assaulted by the opponents.

4] From the tenor of the FIR it can be seen that no specific overt has been attributed to the applicants. They are allegedly

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involved in assaulting with fist, kick blows, sticks, iron road etc. The allegations are vague. Subhash Markad had allegedly sustained injury on account of assault by the opponents.

5] The learned APP submitted that the applicants are named in the FIR. They have participated in the crime The injured had sustained head injury and blunt trauma. The said injury is in the nature of CLW and simple in nature. It is caused by axe. The other injuries are near neck, forearm and knee region, which are also simple.

6] The applicants were not armed with any weapon. The role attributed to them is vague. It appears that they were involved in the assault by fist and kick blow. Cross case is registered by Subhash. In the circumstances, this application can be allowed.

ORDER

i] ABA No. 1422 of 2021 is allowed.

ii] Interim order dated 2nd December, 2021 is confirmed.

iii] In the event of arrest of the applicants in Crime No.784 of 2021, registered with Pathardi Police station, District Ahmednagar , the applicants be released on executing PR Bond in the sum of Rs. 20,000/- each, with one or more sureties in the like amount.

iv] The applicants shall appear before the I.O. on 27th and 28th December, 2021 between 11.00 a.m. to 1.00 p.m. and thereafter as and when called till filing of charge sheet.

iv] The application stands disposed of.

**[PRAKASH D. NAIK]
JUDGE.**

grt/-