

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

918 ANTICIPATORY BAIL APPLICATION NO.73 OF 2022

SANTOSH RAOSAHEB ILAG
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

...
Advocate for Applicant : Mrs. Renuka B. Ghule-Palve
APP for Respondents/State : Mr. N.T. Bhagat
...

CORAM : SMT. VIBHA KANKANWADI, J.
DATED : 01/02/2022.

PER COURT :

1. The applicant is apprehending his arrest in connection with Crime No. 424/2021 registered with Jintur Police Station, District Parbhani for the offence punishable under sections 324, 327, 354, 504, 506 r/w. 34 of Indian Penal Code.
2. Heard learned advocate Mrs. Renuka B. Ghule-Palve for the applicant. The learned APP strongly opposes grant of any interim relief in view of the contents of the F.I.R. as well as he submits that the matter is coming for the first time and he has yet to receive the papers.
3. At this stage, it is required to be considered whether any case is made out even for grant of any interim relief or even for issuing notice and whether the custodial interrogation of the applicant is necessary.

4. The First Information Report has been lodged by one Sandeep Khushalrao Budhwant on 8.12.2021 in respect of the incident that has been allegedly taken place on 1.12.2021 at about 7.30 p.m. As regards the role attributed to the present applicant is concerned, it is alleged that he had caused the informant to lie down and thereafter he had stabbed the informant thrice with knife on the left side of his stomach. Definitely taking into consideration the allegations those have been made which contemplate recovery of the weapon and also seriousness of the offence, no case is made out to grant any relief to the applicant.

5. The learned advocate appearing for the applicant points out that cross complaint has been filed by accused Dnyaneshwar Ilag. The Police Officer of that F.I.R. which is registered as Crime No. 425/2021 with the same police station for the offence punishable under sections 327, 323, 504 r/w. 34 of I.P.C. was actually registered at 20.51 hours on 9.12.2021. That means it is subsequent to the present F.I.R. which came to be registered at 22.52 hours of 8.12.2021. So that cannot be a ground. She also submits that the main accused has been released on bail. She refers to Dnyaneshwar Ilag as main accused. To this, it can be said that co-accused cannot say that who is main accused and it is for the prosecution to say and further role of

each of the accused is required to be considered separately. Under such circumstance, as aforesaid taking into consideration the contents of the F.I.R. as well as the fact that the custodial interrogation of the applicant is necessary, the application stands rejected.

[SMT. VIBHA KANKANWADI, J.]

ssc/