

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

19 ANTICIPATORY BAIL APPLICATION NO.487 OF 2022

1. SWARUP BALASAHEB MORE,
2. ATUL BALASAHEB MORE.
VERSUS
THE STATE OF MAHARASHTRA

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Advocate for Applicants : Mr. Shinde Manoj Dharmaraj.
APP for Respondent-State : Mr. G. O. Wattamwar.
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CORAM : S. G. MEHARE, J.
DATE : 27.06.2022

PER COURT :-

1. Heard the learned counsel for the applicants and the learned APP for the State.

2. Learned counsel for the applicants would submit that the applicants have no concern with the alleged incident. They being the brother of one co-accused Prashant, arraigned as accused in the present crime. The iron fighter allegedly used by the co-accused Prashant has been seized and he is released on regular bail by the Trial Court. Nothing is to be recovered and discovered from the applicants. Hence, they may be protected.

3. Per contra, the learned APP would submit that there are statements of the witnesses that these two applicants have played active role in committing the crime. A Police Constable

in uniform has been assaulted, when he asked those two persons that, "why they are creating mess in the road". The offence is serious. Hence, protection may not be granted.

4. After having gone through the FIR, it reveals that police apprehended two persons on the spot and then the name of the present applicants were discovered. However, there are no allegations against the applicants that they have used the weapon in the alleged crime. The prosecution has no material to satisfy the Court that for the purpose of investigation, the custodial interrogation of these two applicants is necessary. The applicants have good case for anticipatory bail. Hence, the following order :

ORDER

- (i) The application is allowed.
- (ii) In the event of arrest, the applicants No.1 Swarup Balasaheb More and 2. Atul Balasaheb More, shall be released on bail in Crime No.133 of 2022 registered with Police Station Ambajogai City, District Beed for the offences punishable under Sections 353, 332, 143, 147, 148, 149 and 504 of the IPC, on furnishing P.B. and S.B. of Rs.20,000/- (Rupees Twenty Thousand only) each with one solvent surety in the like amount each, on the conditions that they shall attend the Police Station

as and when called on written notice. They shall not tamper with the prosecution witnesses.

(iii) *Humdast* allowed.

(S. G. MEHARE, J.)

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vmk/-