

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

909 ANTICIPATORY BAIL APPLICATION NO.527 OF 2022

1. Uttam S/o Kisan Kharat
2. Chadrabhaga w/o. Uttam Kharat ..Applicants

VERSUS

- . The State of Maharashtra ..Respondent

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Advocate for Applicants : Mr.R.D.Gaikwad h/f. Mr. S.G.Kawade
APP for Respondent : Mr.S.B.Narwade

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CORAM : S. G. MEHARE, J.

DATE : 21st July, 2022

PER COURT :-

1. Heard the learned counsel for the applicants and the learned APP for the respondent-State.
2. The applicants have a case that they have not used any weapon. However, they have falsely implicated in the crime. General allegations of using sticks have been levelled against them. Since 19th October, 2020, the Police had never been to them. They are 80 and 75 years old respectively. Nothing is to be recovered from them. Hence, they may be released on anticipatory bail.

3. The learned APP has strongly opposed the application contending that the applicants are absconding since the date of the incident. He has referred to some station diary entries and would point out that the Investigating Officer time and again went to the place of the applicants but they were not found in the house. The offence is serious. Therefore, custodial interrogation of the applicants is necessary.

4. The case diary reveals that, the Police did not go to the house of applicants soon after the incident to arrest them. However, Police started visiting the house of the accused after 6 to 8 months from the date of incident. Be that as it may, the applicants are admittedly senior citizens. The other co-accused have released on regular bail. General allegations have been levelled against the applicants that they came on spot of the incident with sticks. However, there are no allegations that the applicants have used the weapons to commit the crime. In the circumstances, this Court is of the view that the custodial interrogation of the applicants would serve no purpose. Hence the following order :

ORDER

i) The application is allowed.

ii) In the event of arrest, applicant No.1 – Uttam Kisan Kharat and applicant No.2 – Chandrabhaga Uttam Kharat be released on bail, on furnishing P.B. and S.B. of Rs.15,000/- (Rs. Fifteen thousand only) each with one solvent surety of the like amount each, in C.R. No.0588 of 2020, registered with Taluka Jalna Police Station, Dist. Jalna, for the offence punishable under Sections 307, 323, 324, 504, 506, 143, 147, 148, 149 of the Indian Penal Code, on condition that they shall attend the concerned Police Station as and when called by the Investigating Officer on written notice and they shall not tamper the prosecution witnesses.

(S. G. MEHARE)
JUDGE

SPT