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

**ANTICIPATORY BAIL APPLICATION NO.474 OF 2021
WITH ABA/478/2021**

**ASHOK KONDIRAM MURKUTE AND ANOTHER
VERSUS
THE STATE OF MAHARASHTRA**

Mr. R. R. Karpe, Advocate for applicants;
Ms. V. S. Choudhari, A.P.P. for respondent/State;

CORAM : S. G. MEHARE, J.

DATE : 5th September, 2022

P.C.

1. Heard the learned counsel for the applicants and the learned A.P.P. for the respondent/State.
2. The applicants have been protected by way of the *interim* order dated 13.05.2022. The *interim* protection was granted by observing that the weapons have been recovered and the investigation has been completed.
3. The learned counsel for the applicants has vehemently argued that there are no allegations against the applicants that they have tried to tamper with the prosecution witnesses. The recovery of weapons has been shown in the final report under Section 173 of the Code of Criminal Procedure. Therefore, nothing is to be recovered

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from the applicants. Therefore, the interim protection granted to the applicants may be confirmed.

4. The learned A.P.P. has strongly opposed the applications and would submit that there are direct allegations against the applicants of assaulting the injured with swords and axe. The offence is serious. The applicants may use their influence over the witnesses. Therefore, the applications may be dismissed.

5. It is not in dispute that the charge-sheet has been filed against the applicants. The charge-sheet reveals that the alleged swords and the axe have been recovered by the police. The investigation is also completed. The prosecution has no material to satisfy the Court that the custodial interrogation of the applicants would serve the purpose. Though it appears that the direct allegations have been levelled against the applicants that they are the assailants and they have used the weapons, in the facts and circumstances of the case, the applications deserve to be allowed. Hence, the following order :-

- i) The applications are allowed.
- ii) The order dated 13.05.2021 granting interim protection to the applicants is confirmed on the same terms and conditions.

(S. G. MEHARE, J.)

amj