

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

ANTICIPATORY BAIL APPLICATION NO.664 OF 2022

Santosh @ Uttamrao Suryawanshi and another ...Applicants

VERSUS

The State of Maharashtra and another ...Respondents

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Mr. Mahesh S. Taur, Advocate for the applicants.

Ms. V.S. Choudhari, APP for the respondent-State.

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CORAM : S.G. MEHARE, J.

DATED : 14th JUNE, 2022.

PER COURT:-

1. Heard learned counsel for the applicants and learned APP for the State.
2. Learned counsel for the applicants has vehemently argued that the applicants have played no role in the alleged incident except their presence on the spot of the incident. They have also not used the weapon in committing the crime. The specific allegation of assault have been made by co-accused Maruti Suryawanshi. The injured complainant had borrowed the money from Maruti Suryawanshi and he was avoiding to repay the money. Their presence with the accused without actually participating in the incident would make no crime. Nothing is to be recovered and discovered from the applicants. The applicants have no antecedents at their discredit.

They are ready to cooperate with the investigation. Hence, they may be released on anticipatory bail.

3. Learned APP would oppose the application contending that the injured was seriously beaten and sustained the fracture to his hand. She would point out that it is the applicants who obstructed the bike of the injured and thereafter, he was assaulted. This proof is the common intention to commit the offence. She also added that the possibility of illegal money lending cannot be ruled out. The applicant no.2 is the brother of main accused namely Maruti Suryawanshi. Both the applicants are not entitle to the anticipatory bail.

4. Perused the papers. The FIR reveals that the injured was seriously beaten with the iron rod because of which his hand got fractured. Complainant has raised hand loan of Rs.35,000/- from the brother of applicant no.2, however, due to no job, he could not return the money by installment. He was forced to pay the money and was mentally tortured. The material placed on record reveals that it was the applicants who obstructed the vehicle of the complainant/informant. The record further reveals that they have played the active role in committing the offence. Presence of the applicants have not been denied by them on the spot of incident. The complainant was seriously injured and that too for the hand loan.

5. Having regard to the facts of the case and the role played

by the applicants, this Court is not inclined to grant the anticipatory bail. Hence, the application stands dismissed.

(S.G. MEHARE, J.)