

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

**914 ANTICIPATORY BAIL APPLICATION NO.752 OF 2022**

1. SANTOSH SHRIRANG WAGHAMARE  
2. RAVI SHRIRANG WAGHAMARE  
VERSUS  
THE STATE OF MAHARASHTRA

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Advocate for Applicants : Mr. Usmanpurkar Aniruddha S.  
APP for Respondent-State : Mr. G. O. Wattamwar.  
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**CORAM : S. G. MEHARE, J.**  
**DATE : 06.07.2022**

**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 false allegations of assault have been made. There was a counter report against the present complainant, however, the so called alleged weapon like sticks and bamboo have been seized by the police from the spot of the incident. Nothing is to be recovered from the applicants. Therefore, they may be protected from the arrest.
3. Per contra, learned APP would submit that the weapons have been seized from the spot of incident, but insisted to reject the anticipatory bail application on the ground that the applicants have caused fracture to the complainant. The

offence is serious. However, he could not satisfy the Court that what purpose would be served by keeping the applicants behind bars. The very purpose of the investigation is to collect the evidence. In this case, the weapons have been seized from the spot of incident. Therefore, no purpose would be served, if the applicants are allowed to undergo police custody. The application deserves to be allowed. Hence, the following order:

### **ORDER**

- (i) The application is allowed.
- (ii) In the event of arrest, applicants **No.1 Santosh Shrirang Waghmare** and **2. Ravi Shrirang Waghmare**, shall be released **on bail** on furnishing P.B. and S.B. of Rs.15,000/- (Rupees Fifteen Thousand only) each with one solvent surety in the like amount each in Crime No.170 of 2022, registered with Police Station Gondi, District Jalna, for the offences punishable under Sections 323, 324, 326, 341, 504, 506 read with Section 34 of IPC, on the conditions that they shall attend the Police Station as and when called by the Investigating Officer on written notice. They shall not tamper with the prosecution witnesses.

**(S. G. MEHARE, J.)**

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vmk/-