

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

ANTICIPATORY BAIL APPLICATION NO.768 OF 2022

DADA VISHWANATH KANADE AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA

...
Advocate for Applicants : Mr. Ravindra Vitthal Gore
APP for Respondent : Mr. K. S. Patil
...

CORAM : S. G. MEHARE, J.
DATE : 27-07-2022

PER COURT :-

1. Heard the learned counsel for the applicants and the learned APP for the respondent/State.
2. The learned counsel for the applicants would submit that the FIR is delayed by five days. The FIR does not disclose the specific role attributed to the present applicants. The general allegations of assault with a stick have been levelled against the applicants. The injured had suffered a simple injury and one fracture to the index finger. Applicants No. 1 and 2 are senior citizens. They have been arraigned as accused, only being the family members of the other co-accused. The false allegations have been levelled against them. Nothing is recovered from the applicants. Hence, the applicants may be released on anticipatory bail.
3. The learned APP for respondent/State has strongly opposed the application and vehemently argued that the injured were seriously assaulted with deadly weapons. The applicants were also

present on the spot of the incident. The delay may be explained as the injured were hospitalized and under treatment. The allegations have been levelled against the applicants that they have used sticks to assault the injured. Therefore, the applicants have no case for anticipatory bail.

4. Perused the first information report, the application, and the documents produced on record. The FIR reveals that the general allegations have been levelled against the applicants that they assaulted with sticks. It is difficult to ascertain the specific accusation against the applicants. It is not disputed that the injured suffered simple injuries and a fracture to his index finger. The injured have been discharged from the hospital. Considering the age of applicants No. 1 and 2 and the role allegedly attributed to them, this Court is of the view that there shall be no harm to the prosecution if anticipatory bail is granted to the applicants on certain conditions. Hence, the following order -

- i) The application is allowed.
- ii) The interim protection granted to the applicants by order of this Court, dated 22.06.2022, is confirmed on the same terms of the bail bonds on the condition that the applicants shall attend the police station as and when called by the Investigating Officer on written notice.

**(S. G. MEHARE)
JUDGE**