

(1)

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

22 ANTICIPATORY BAIL APPLICATION NO.771 OF 2022

**ASHOK ROHIDAS KOTKAR
VERSUS
THE STATE OF MAHARASHTRA**

Mr. Joydeep Chatterji, Advocate for applicant;
Mr. A.A. Jagatkar, A.P.P. for respondent

CORAM : S. G. MEHARE, J.

DATE : 18th July, 2022

PC.

1. Heard the learned counsel for the applicant and the learned A.P.P. for the State.

2. This Court has recorded the facts in the order dated 21.6.2022. The applicant was granted interim protection.

3. The learned A.P.P. would submit that the applicant was in the company of the main assailant. He went on the spot with a common intention to commit the crime.

4. The prosecution has no case that the applicant has used the weapon in the alleged incident. The recovery of the weapon from the applicant is not essential. The role attributed to the applicant is that

(2)

he assaulted the injured with kicks and blows. The prosecution has no material to satisfy the Court that the custodial interrogation of the applicant would serve the purpose. Considering the facts of the case recorded in the order dated 21.6.2022 and hearing the respective counsel, this Court is of the view that the application deserves to be allowed. Hence, the following order:-

- i) The application is allowed.
- ii) The order granting the interim protection dated 21.6.2022 is confirmed on the same terms and conditions of bail bonds. The applicant shall attend the police station as and when called by the police on written notice.

(S. G. MEHARE, J.)

amj