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

918 ANTICIPATORY BAIL APPLICATION NO.814 OF 2022

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| 1. | Murlidhar s/o. Raghu Nage, | | |
| 2. | Kaveri w/o. Shriram Nage, | | |
| 3. | Kavita w/o. Tukaram Nage, | | |
| 4. | Chandrakala w/o. Shebrao Nage | .. | Applicants |

Versus

The State of Maharashtra	..	Respondent
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WITH ABA/815/2022

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| 1. | Dnyaneshwar s/o. Murlidhar Nage, | | |
| 2. | Tukaram s/o. Sahebrao Nage, | | |
| 3. | Shriram s/o. Murlidhar Nage | .. | Applicants |

Versus

The State of Maharashtra	..	Respondent
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Mr. A. N. Suryawanshi, Advocate for applicants;
Mr. A. A. Jagatkar, A.P.P. for respondent/State

CORAM : S. G. MEHARE, J.

DATE : 20th July, 2022

PC.

1. Heard the learned counsel for the applicants and the learned A.P.P. for the respondent/State.

2. It has been alleged against the applicants that they went to the field of the complainant and started assaulting him. It has been

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specifically alleged that the applicants Dnyaneshwar and Shriram caught hold hands of his elder son Hari and Tukaram assaulted him with iron rod. He has sustained the fractured injury.

3. The learned counsel for the applicants has argued that there was a counter report against each other. The applicants and the informant are the relatives. They have a dispute on the field. Nothing is to be recovered and discovered from the applicants.

4. The learned APP has vehemently argued that there is medical evidence corroborating the assault to Hari. The applicant Dnyaneshwar and Shriram have played the active role. Catching hold Hari, they have facilitated co-accused Tukaram to cause injury. However, the learned A.PP has fairly conceded that there is no medical examination of complainant Baban. The learned A.PP has further fairly conceded that the weapon used in the crime has already been recovered. The offence is serious.

5. Perused the papers and the applications. The allegation of assaulting Hari with iron rod is corroborated by the injury certificate. However, there is no corroborative evidence as regards causing serious injury to the complainant Baban by the applicant Dnyaneshwar. The relations between the applicants and the

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complainant are not cordial. Except this, the prosecution has no material against the remaining applicants to have their custodial interrogation. Since the weapon used in the crime has already been recovered, the custodial interrogation of the applicants would serve no purpose. Therefore, applications deserve to be allowed. Hence, the following order -

- i) Both the applications are allowed.
- ii) The interim protection granted to the applicants, except applicant Dnyaneshwar, is confirmed on the same terms of bail bonds and other conditions.
- iii) In the event of arrest, applicant Dnyaneshwar Murlidhar Nage be released on bail on furnishing PB and SB of Rs.15,000/- with one solvent surety of the like amount, in C.R.No. 253 of 2022 registered with Bidkin Police Station, District Aurangabad, for the offence punishable under Sections 326, 324, 323, 143, 147, 148, 149, 504, 506 of the Indian Penal Code; on the condition that he shall attend the police station as and when called on written notice.

(S. G. MEHARE, J.)

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