

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

ANTICIPATORY BAIL APPLICATION NO.870 OF 2022

**DIPAK @ PRADIP SHIVAJI KURHADE AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA**

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Advocate for Applicants : Mr. Karpe Rahul R.
APP for Respondent/State : Mr. K.S. Patil

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CORAM : S.G. MEHARE, J.

DATED : 26th JULY, 2022

PER COURT:-

1. Heard learned counsel for the applicants and the learned APP for the State.
2. Learned counsel for the applicants has vehemently argued that the FIR does not disclose the specific role committing serious offence against the present applicants. A counter report is lodged against the present complainant and his family members. They had a dispute on plots. They are neighbourers. The complainant had laid the Murum in front of the house of the applicants. Since there are no allegations against the applicants about the assault and snatching of Mangalsutra, their custodial interrogation may not be necessary.
3. Learned APP has opposed the application contending that though specific allegations of assault and snatching of Mangalsutra are not levelled against the applicants, but the offence under Section 149

of the Indian Penal Code is registered. Therefore, they are equally liable for the act committed by the co-accused. Therefore, they are not entitled for the bail.

4. Perused the FIR and the papers submitted before this Court and the documents placed with the application. The FIR does not disclose the active role played by the applicants in committing the assault and the alleged offences. It is not in dispute that one person has been assaulted by the co-accused with wooden logs and iron fighter. Considering the allegations in the FIR, there appears nothing to be recovered from the applicants. The applicants have been simply named in the FIR. For these reasons, the application deserves to be allowed. Hence, the following order :

ORDER

- I) The application is allowed.
- II) Interim protection granted to the applicants by order dated 18.07.2022 is confirmed on the same terms of bail bonds and conditions.

(S.G. MEHARE, J.)