

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

ANTICIPATORY BAIL APPLICATION NO.1016 OF 2022
WITH ABA/877/2022 WITH ABA/878/2022 WITH ABA/876/2022

NILAM @ CHANDRAKALA W/O. RAJESH @ GULAB BORDE AND
ANOTHER
VERSUS
THE STATE OF MAHARASHTRA

...
Advocate for Applicants : Mr. Dattraya R. Markad
APP for Respondent : Ms. V. S. Choudhari
...

CORAM : S. G. MEHARE, J.

DATE : 11-08-2022

PER COURT :-

1. Heard the learned counsel for the applicants and the learned APP for the respondent/State.
2. The incident happened on 26.04.2022 in front of the house of the complainant. It has been alleged that the two accused namely Gulab and Bhausahab assaulted the complainant with axe and wooden log. So far as the present applicants are concerned, it has been alleged that they assaulted with bricks on their back and chest and, therefore the injured have suffered blunt trauma.
3. The learned counsel for the applicants have vehemently argued that there are no specific allegations against the applicants; however, they have been falsely implicated in the

crime, being family members of the other co-accused. Nothing is to be recovered from the applicants. Hence, they may be released on anticipatory bail.

4. The learned APP has strongly opposed the applications contending that all the applicants assaulted the injured with bricks. The offence is serious. However, she has fairly conceded that the so-called bricks were seized from the spot of the incident.

5. Considering the allegations levelled against the applicants and the recovery of the bricks from the spot of the incident, the Court is of the view that the custodial interrogation of the applicants would serve no purpose. Hence, the following order :-

- i) The applications are allowed.
- ii) The interim protection granted to the applicants by orders dated 29.07.2022 and 14.07.2022 are confirmed on the same terms and conditions.

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