

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

ANTICIPATORY BAIL APPLICATION NO.968 OF 2022

DEEPAK BABU KAMBLE AND ANOTHER
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER

...
Advocate for Applicants : Mr. S. S. Kazi
APP for Respondents : Ms. V. S. Choudahri
Advocate for Complainant : Mr. Ram S. Shinde
...

CORAM : S. G. MEHARE, J.

DATE : 05-08-2022

PER COURT :-

1. Learned APP waives service of notice for respondent No.2.
2. Heard the learned counsel applicants and learned APP for the respondents and learned counsel assisting him.
3. By this application, the applicants seek pre-arrest bail in C.R.No. 33 of 2022 registered with Udgir Gramin Police Station, Taluka Udgir, District Latur, for the offence punishable under Sections 302, 307, 326, 324, 341, 323, 504, 506, 143, 147, 148, 149 of the Indian Penal Code and Section 135 of the Maharashtra Police Act.
4. The learned counsel for the applicants would submit that the applicants have been falsely implicated in the crime. The

complainant is the relative of the applicants. There are contradictory statements as regards assault by the applicants to the injured. In the statement of Parmeshwar, he has deposed that the applicants assaulted his father on leg and back. As against this, the first informant has stated that the present applicants have assaulted the injured Parmeshwar. The person who has been allegedly assaulted has not stated against the applicants. Applicant No.1 was residing at the another town where his wife was working as Aasha-worker. The applicants are innocent. A civil dispute is pending between the families. The mother of the applicants is bed-ridden. No one is there in their family to look after her. Considering the alleged role attributed to the applicants, the custodial interrogation is not required. Therefore, the application may be allowed.

5. The learned APP with learned counsel assisting her have strongly opposed the application contending that Parmeshwar and Maroti have suffered fracture injuries. The applicants and other co-accused have formed an unlawful assembly and with a common object, have mercilessly beaten the mother of the complainant, who died due to the injuries suffered by her. The applicants were aggressive. The effect of the contradictory statement cannot be considered at this stage. The offence is grave and serious. The weapons are yet to be recovered from the applicants. The way in which the offence has been committed is sufficient to show that

the applicants and their family have not obeyed the court's order, therefore, the application may be rejected.

6. The FIR reveals that the judgment was passed by the court in favour of the injured. Thereafter, the applicants and other co-accused intercepted them in the middle of the way and threatened them. Though, the court judgment was in favour of the informant and his family, the applicants threatened them that if they would come to the field, they would break their hands and legs and thereafter immediately started assaulting. They caused head injury to the mother of the first informant due to which she died. The specific allegations have been levelled against the applicants that they have used the weapons like stick, iron rod and assaulted the family members of the informant. The serious allegations of murder have been levelled against the applicants. Considering the allegations against the applicants and role attributed to them, this Court is of the view that the applicants are not entitled to anticipatory bail. Hence, the application stands dismissed.

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

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