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

**ANTICIPATORY BAIL APPLICATION NO.968 OF 2022
WITH APPLN/2417/2022 IN ABA/968/2022**

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

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Advocate for Applicants : Mr. Kazi S.S.
APP for Respondent/State : Ms. V.S. Choudhari
Advocate for Assist to P.P : Mr. Ram S. Shinde

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CORAM : S.G. MEHARE, J.

DATED : 26th JULY, 2022

PER COURT:-

1. Heard.
2. Issue notice to the respondents, returnable on 05.08.2022. Learned APP waives service of notice for the State.
3. Learned counsel for the applicants point out the contradictions in the statement of the witnesses as regards to the assaults by the applicants to the father and brother of the complainant. He would submit that both the applicants do not reside in the village where the alleged incident happened. The applicant – Deepak, resides at village Chapoli, Taluka Chakur. His wife is Asha worker there. However, the complainant was knowing the names of the applicants. Hence, he arraigned the applicants in a false crime. In view of the facts, he prays for interim protection.

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4. Perused the papers. A specific allegation of assaulting with sticks to one of the family member of the complainant has been levelled against the applicants. The statements naming the different persons assaulted by applicants cannot be looked into at this juncture. The gravity and seriousness of the offence along with the prima facie material against the applicants has to be considered. A serious offence of committing murder has been registered against the applicants. It is alleged that applicants have used the weapons. Considering all these aspects, this Court is of the view that this is not a fit case to grant interim protection. Hence, notice as above.

5. Criminal Application No.2417 of 2022 is allowed. The learned counsel is allowed to assist the learned APP

(S.G. MEHARE, J.)