

1. Heard learned counsel for the applicants and learned APP for the State.
2. Learned counsel for the applicants would submit that applicant no.2 is not the person named as Amol Bansode in the FIR. He is Aman Shivaji Bansode. He has no concern with the alleged incident. Amol Bansode is a different person. Therefore, the applicant has no role to play in the offence. The second stand of the applicants is that one of the person shown as nephew of the co-accused Tanhaji Bansode is Aman Shivaji Bansode. He has played no role. Learned counsel for the applicants has also referred to the order passed by the learned Sessions Court in Criminal Bail Application No.159 of 2022 dated 04.07.2022 and pointed out that the learned

Sessions Judge has observed that the weapons have been recovered and the statement of the witnesses have been recorded. The injured have been recovered and discharged from the hospital. He has also produced the Aadhar Card of one Amol Raosaheb Bansode and the applicant Aman Shivaji Bansode and his college identity card. He has mainly stressed his arguments that Aman and Amol are two different persons. Therefore, the applicant have no role to play. He has been falsely arraigned as an accused. The applicant is a college going boy. He has a good future. Hence, he may be protected. So far as the allegations against Tanhaji Bansode are concerned, it has been argued that nothing is to be recovered from him. The allegations of assaulting the complainant with wooden log has been falsely made.

3. Learned APP has strongly opposed the application contending that Aman and Amol is one and the same person. The prosecution has produced the certificate of police patil dated 28.07.2022 wherein it has been clarified that Aman and Amol is one and the same person. The certificate of third party may be believed. She has also argued that the Investigation Officer has specifically instructed her that no weapons have been seized in the crime. The sword allegedly used by the applicant Aman @ Amol Bansode and wooden stick from the applicant Tanhaji is to be recovered. They have caused serious injury to the injured. The weapons used were deadly. If the weapons would not be seized, the investigation would

be incomplete. A serious offence has been registered against the applicants. Therefore, the application may be rejected.

4. Perused the papers, the FIR and the order rejecting the bail application of the applicants as well as the order passed by the learned Sessions Court in Criminal Bail Application No.159 of 2022 dated 04.07.2022. The FIR specifically reveals that Aman @ Amol Bansode assaulted the injured with sword and caused him the serious injury. The FIR also reveals that the applicant Tanhaji Bansode has also used the wooden stick and caused the injury. Serious injuries were caused to the injured and deadly weapons have been used in the crime. The recent instructions of the Investigation Officer as regards non-recovery of the weapons used by these two applicants may be accepted. So far as the observations of the learned Sessions Judge as regards the recovery of the weapons, was in relation to the applicants in Criminal Bail Application No.159 of 2022. The record clearly reveals that deadly weapons have been used and serious injuries have been caused to the injured. The weapons are to be recovered. The applicants have no case for parity. Therefore, the prosecution has a good case for custodial interrogation. In the facts of the case, the application deserves to be dismissed. Hence, the application stands dismissed.

(4)

5. Learned counsel for the applicants request to continue the interim relief granted to the applicants for three weeks. Interim relief to continue for three weeks from today.

**(S.G. MEHARE, J.)**

*Mujaheed//*