

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

ANTICIPATORY BAIL APPLICATION NO.1035 OF 2022

1. Kamal Babasaheb Jagtap
2. Niketan Babasaheb Jagtap ...Applicants

VERSUS

The State of Maharashtra ...Respondent

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Mr. Kunal A. Kale, Advocate for the applicants.
Mr. V.M. Kagne, APP for the respondent-State.

...

CORAM : S.G. MEHARE, J.

DATED : 25th AUGUST, 2022

PER COURT:-

1. Heard learned counsel for the applicants and learned APP for the State.
2. It has been alleged against the applicants that they have assaulted the injured with iron rods and sticks. Learned counsel for the applicants would submit that one of the co-accused Babasaheb has sustained serious injuries in the assault by the complainant and he was hospitalized. One iron rod and stick has been recovered by the police. Nothing is to be recovered from the applicants. Applicant no.2, Niketan is a young college going boy. He has no antecedents to his discredit. Material investigation is over hence, both of them may be released on anticipatory bail.

3. Learned APP has opposed the application. He would point out that the weapons are yet to be recovered. Unless the weapons are recovered, the investigation will be incomplete. Therefore, the applicants have no case for anticipatory bail.

4. Perused the papers. It has been observed by the learned Sessions Court that one stick and iron rod has been seized. However, the FIR reveals that two iron rods and sticks have been used in committing the crime. Specific allegations have been levelled against applicant no.2, Niketan that he assaulted with iron rod. One iron rod is yet to be recovered. Therefore, he may not be granted bail. However, applicant no.1, Kamal may be released on bail since the stick has been recovered. Hence, the following order :

ORDER

(A) The Application is partly allowed.

(B) The application of applicant no.2 – Niketan Babasaheb Jagtap is rejected.

(C) In the event of arrest, applicant No.1, Kamal Babasaheb Jagtap, be released on bail, on executing P.B. and S.B. of Rs.15,000/- (Fifteen Thousand) with one solvent surety in the like amount in Crime No.191 of 2022 registered with Kopergaon City Police Station, District Ahmednagar for the offence punishable under Sections 326, 324, 323, 504, 506 r/w 34 of the Indian Penal Code, on the condition that he shall attend the police station as and when called by the

(3)

Investigating Officer on written notice and shall not tamper with the prosecution witnesses.

(S.G. MEHARE, J.)

Mujaheed//