

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

ANTICIPATORY BAIL APPLICATION NO.1094 OF 2022

1. Nilesh Sudam Dehade
2. Nikhil Vijaynand Aaglave ...Applicants

Versus

The State of Maharashtra ...Respondent

...
Advocate for Applicants : Mr. Bhosle Abhaysinh K.
APP for Respondent/State : Mr. S.B. Narwade

...
CORAM : S.G. MEHARE, J.

DATED : 30th AUGUST, 2022

PER COURT:-

1. Heard learned counsel for the applicants and learned APP for the State.

2. This is a case in which the complainant who was arrested by the police on 26.06.2022 lodged the report after his release in Crime No.0308 of 2022 registered with CIDCO Police Station. The said report reveals that the police noticed that some persons were fighting, so the police intervene them. That time, the police found pistol in possession of applicant Nilesh Dehade. The applicants with the complainant were arrested and produced before the learned Magistrate. The complainant did not complaint against the applicants that they assaulted him with broken tiles and stones. The complainant and the applicants were released in that crime on bail.

However, the MLC report from the said crime reveals that the history has been told to the medical officer that on 25.06.2022 at around 11.00 pm he was assaulted near Shivneri Hotel. He had incised wound on his back. However, he did not complain immediately against the applicants. Subsequent thereto, on 29.06.2022, a report has been lodged against the applicants alleging that they assaulted him with stones and broken pieces of tiles lying on the spot.

3. Learned APP has pointed out that broken pieces of tiles and stones were seized in this crime. It seems that there was a free fight. In these facts and circumstances of the case and in absence of immediate complaint against the applicants, the applicants may be given benefit. Nothing is to be recovered from them. Hence, the following order :

ORDER

(A) The Application is allowed.

(B) In the event of arrest, the applicants, Nilesh Sudam Dehade and Nikhil Vijaynand Aaglave, be released on anticipatory bail, on executing P.B. and S.B. of Rs.20,000/- (Twenty Thousand) each with one solvent surety in the like amount in Crime No.313 of 2022 registered with CIDCO Police Station, District Aurangabad for the offence punishable under Sections 323, 326, 504, 506 r/w 34 of the Indian Penal Code, on the condition that they shall attend the

(3)

police station as and when called by the Investigating Officer on written notice and shall not tamper with the prosecution witnesses.

(S.G. MEHARE, J.)

Mujaheed//