

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

ANTICIPATORY BAIL APPLICATION NO.1140 OF 2022

REKHABAI W/O. SANJAY RATHOD AND ANOTHER
VERSUS
THE STATE OF MAHARASHTRA

...
Advocate for Applicants : Mr. Shaikh Faiyazuddin
APP for Respondent : Mr. V. M. Kagne
...

CORAM : S. G. MEHARE, J.

DATE : 14-09-2022

PER COURT :-

1. Heard the learned counsel for the applicants and learned A.P.P. for the respondent/State.
2. The facts of the case and the observations recorded by the learned Additional Sessions Judge have been discussed in detail in the order dated 05.09.2022. Considering the entire facts on record, the *interim* protection was granted to the applicants.
3. The learned A.P.P. would submit that there are antecedents to the discredit of the applicants. The offence is serious. Hence, they may not be granted anticipatory bail.
4. The facts of the case reveal that the applicant neither fled away from the spot of the incident nor the police officials attempted to nab applicant No.2 when he allegedly left the place

of the incident. The facts also reveal that police never attempted to arrest the applicants. The reason is best known to the police officer why they have preferred not to arrest the applicants immediately after the raid. Considering the facts of the case and the nature of the allegations levelled against the applicants, the application deserves to be allowed. Hence, the following order :-

- i) The application is allowed.
- ii) The order granting *interim* protection to the applicants by the order dated 05.09.2022, is confirmed on the same terms and conditions.

(S. G. MEHARE)
JUDGE

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