

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

ANTICIPATORY BAIL APPLICATION NO.1143 OF 2022

BHAIDAS SUBHASH BORSE AND ANOTHER
VERSUS
THE STATE OF MAHARASHTRA

...
Advocate for Applicants : Mr. R. S. Shinde h/f. Mr. D. B. Thoke
APP for Respondent : Mr. K. S. Patil
...

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. It has been alleged in the first information report that some unknown persons raised a dispute with the complainant since his bus overtook their vehicle. They had hot exchange of words. They threatened the complainant, to come to Dahiwad village, they would see him. All the accused were present there. When the complainant got down from the bus, they were asking him why he overtook their bikes and did not apologize. They abused the complainant in filthy language and one unknown person assaulted him with steel bracelet. They caused him injuries on his mouth and head. The people gathered there told the complainant that the assailants were the applicants and one unknown person.
3. The learned counsel for the applicants would submit that the applicants have played no active role in the alleged crime. There

are no allegations of assault against them. One unknown bearded man assaulted the complainant, therefore, nothing is to be recovered from them. Therefore, the applicants may be granted *interim* protection.

4. The learned A.P.P. has strongly opposed the application contending that the applicants were the main assailants. They have unnecessarily threatened the complainant, who was a bus driver. He has suffered the injuries. Therefore, the applicants are not entitled to anticipatory bail.

5. Perused the papers produced by the learned A.P.P. and considered the allegations levelled against the present applicants. The allegations have been levelled against one bearded person that he assaulted the complainant with steel bracelet and caused him injuries. Considering the allegations levelled against the applicants, the prosecution has no case for custodial interrogation. Hence, the following order :-

- i) The application is allowed.
- ii) In the event of arrest, applicants No. (1) Bhaidas Subhash Borse and (2) Yashwant @ Sunny Bhimrao Pawar be released on bail, on furnishing PB and SB of Rs.15,000/- each, with one solvent surety of like amount, in C.R. No. 0166 of 2022, registered with Mehunbare Police Station, District Jalgaon, for the offence punishable under Sections 353, 332, 323, 294, 504, 506, 427, 186 read with Section 34 of the Indian Penal Code, on condition that they shall attend the police station as and when called by the Investigating Officer on written notice.

**(S. G. MEHARE)
JUDGE**