

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

ANTICIPATORY BAIL APPLICATION NO.1232 OF 2022
WITH APPLN/3190/2022 IN ABA/1232/2022

KALYAN ANNA GAWARE AND ANOTHER
VERSUS
THE STATE OF MAHARASHTRA

...
Advocate for Applicants : Mr. Himmat Deshmukh h/f.
Mr. Suresh P. Salgar
APP for Respondent : Mr. K. S. Patil
Advocate for complainant : Mr. Yogesh C. Patil h/f. Mr. Abhijit More
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CORAM : S. G. MEHARE, J.

DATE : 22-09-2022

PER COURT :-

1. Heard the learned counsel for the applicants, the learned A.P.P. for the respondent/State and the learned counsel for the complainant.
2. The allegations against the applicants are that after the complainant was assaulted by Shahaji Baban Karpe, they went on the spot along with other five persons. They felled the complainant down, abused him in filthy language, kicked him and torn his cloths. The applicants have a case that they went on the spot to settle the dispute of tax. They have no concern with the alleged incident. Nothing is to be recovered from them.

3. The learned A.P.P. has strongly opposed the application contending that the complainant has been seriously injured. He had been mercilessly assaulted. The applicants have played active role in committing the crime. The offence is serious and grave. Hence, applicants may not be granted bail.

4. Apparently, offence is serious. The public servant has been deterred from discharging the duties. However, the allegations of assault with iron rod have been levelled against the accused Shahaji Baban Karpe, who runs the oil mill and did not pay the tax. It appears that the applicants reached the spot of the incident subsequent to the assault. They have not used any weapon. Therefore, nothing is to be recovered from them. Hence, the following order :-

- i) The application is allowed.
- ii) The *interim* protection granted to the applicants by the order dated 15.09.2022 is confirmed on the same conditions of the bail with additional condition that they shall attend the police station as and when required by the Investigating Officer on written notice.
- iii) For the reasons stated in the application, Criminal Application No. 3190 of 2022 is allowed.

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