

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

ANTICIPATORY BAIL APPLICATION NO.1330 OF 2022

Hiraman Vishwanath Kenche And Another ...Applicants

Versus

The State Of Maharashtra ..Respondent

Mr. B.K. Patil, Advocate for the applicant.

Mr. V.S. Badakh, APP for State.

.....

[CORAM : NITIN B. SURYAWANSHI, J.]

DATE : 25th NOVEMBER, 2022

ORDER :

1. The applicants are apprehending their arrest in Crime No. 113/2022 registered with Kurunda Police Station for the offences punishable under section 326, 324, 323 read with 34 of Indian Penal Code, 1860.

2. Heard the learned advocate for the applicants and learned Additional Public Prosecutor for State. Perused the investigation papers.

3. A cross complaint is lodged on behalf of applicant's side in respect of same incident which is registered at Crime No.

112/2022 with Kurunda Police Station for the offences punishable under section 307, 447, 324, 323, 504, 506 read with 34 of IPC, which is prior in point of time. The injury certificate placed on record by the applicants shows that the applicant No. 2- Somnath has suffered serious injury on his skull and he is advised to undergo Titanium Mesh Cranioplasty.

4. Investigation papers further reveal that there was free fight between two groups, one of the applicants and other of the informant, in which persons from both the sides have received injuries. It appears that there was previous dispute in respect of road between the parties.

5. The applicants were granted interim protection and were directed to attend the concerned police station and co-operate in the investigation. The applicants have accordingly attended the police station and co-operated in the investigation. The alleged weapon used in the present crime is recovered. The custodial detention of the applicants in the facts of the present case is not warranted. It appears that the investigation is almost complete. In that view of the matter, the application deserves to be allowed.

6. The application is therefore allowed by confirming the interim protection.

7. Till filing of charge sheet, the applicants to attend the concerned police station as and when called by the investigating officer. The applicants shall co-operate in the investigation and shall not tamper the prosecution evidence.

[NITIN B. SURYAWANSHI, J.]