

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

ANTICIPATORY BAIL APPLICATION NO.1403 OF 2022

**SANGRAM GANPATI KENDRE AND ANOTHER
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER**

...
Mr. Ram S. Shinde, Advocate for Applicants
Mr. S. P. Sonpawale, APP for Respondents – State
...

CORAM : NITIN B. SURYAWANSHI, J.

DATE : 22nd NOVEMBER, 2022

PER COURT :

1. By this application, applicants are seeking anticipatory bail in Crime No.0063/2022, registered with Jalkot Police Station, Latur, for offence punishable under Sections 307, 326, 143, 147, 148, 149, 504 and 506 of the Indian Penal Code.
2. Heard learned advocate for applicants and learned Additional Public Prosecutor for Respondents – State. Perused the papers of investigation.
3. It is alleged in the FIR that ten accused persons (two were subsequently added after recording supplementary statement of informant), who are interrelated, have assaulted Akshay Sambhaji Kendre with axe, sickle, iron rod and stick. Some of the accused persons have assaulted with kicks and fist blows.

4. Learned Additional Public Prosecutor on the basis of statement of injured Akshay and one more witness Sachin strenuously opposed bail application of applicant No.2 Dinkar. He submits that specific role is attributed to Dinkar by injured Akshay that Dinkar and his son Shankar assaulted on the jaw of injured with sticks. By referring to injury certificate he submits that Akshay has suffered fracture injury to his jaw. Further relying on statements of Krushna Vyankat Kendre and Sachin Devidas Giri he submits that name of Dinkar is also taken by these witnesses to be one of the assailants.

5. Learned advocate for applicants, on the other hand, submits that applicants are falsely implicated in present crime with a view to give counterblast to the FIR lodged by accused No.9 against informant and others.

6. On going through investigation papers and perusal of statements of Krushna and Sachin show that they have specifically alleged that applicant Dinkar along with other accused Shankar and Madhavrao assaulted injured Akshay with sticks and fist and kick blows on hands and legs. In the FIR name of Dinkar is not mentioned by informant who is one of the eye witnesses of incident. Material collected during investigation also does not show specific involvement of applicants in alleged crime.

7. It, therefore, *prima facie* appears that vague and general allegations are levelled against applicant No.1 Sangram and applicant No.2 Dinkar. Three main accused were arrested and they have been released on bail. Weapons used in alleged crime i.e. iron rod and sticks are recovered.

8. In the light of above and since charge-sheet is filed, no useful purpose will be served by custodial detention of applicants in present case.

9. Application is, therefore, allowed. In the event of arrest of applicants in Crime No.0063/2022, registered with Jalkot Police Station, Latur, for offence punishable under Sections 307, 326, 143, 147, 148, 149, 504 and 506 of the Indian Penal Code, applicants be released on their furnishing P.B. and S.B. of Rs.15,000/- each, with one surety each in the like amount. Applicants shall attend concerned police station as and when called by Investigating Officer and shall not tamper with prosecution evidence.

(NITIN B. SURYAWANSHI, J.)