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IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

ANTICIPATORY BAIL APPLICATION NO.1468 OF 2022

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| 1. | Chatrabhuj Shridhar Lomate | APPLICANTS |
| 2. | Bhagrath Rajendra Lomate | |
| 3. | Siddheshwar Mukund Lomate | |

VERSUS

The State of Maharashtra	RESPONDENT
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WITH
ANTICIPATORY BAIL APPLICATION NO.1469 OF 2022

- | | | |
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| 1. | Mahesh Rajendra Lomate | APPLICANTS |
| 2. | Vijay Achut Lomate | |

VERSUS

The State of Maharashtra	RESPONDENT
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WITH
ANTICIPATORY BAIL APPLICATION NO.1470 OF 2022

Dinesh Baburao Lomate	APPLICANT
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VERSUS

The State of Maharashtra	RESPONDENT
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Mr. Vivekanand V. Ingale, Advocate for the applicants	
Mr. V. S. Badakh, APP for respondent - State	

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[CORAM : NITIN B. SURYAWANSHI, J.]

DATE : 16th NOVEMBER, 2022

ORDER :

1. The applicants apprehend arrest in connection with Crime

No. 210 of 2022 registered with Bembli Police Station, District – Osmanabad for the offence punishable under sections 326, 324, 323, 504, 506, 143, 147, 148, 149, 427 of the Indian Penal Code.

2. The informant, Rajendra Subhash Kolge lodged the FIR in question about the incident dated 23rd September, 2022. It is alleged that the applicants and other accused persons assaulted brother of the informant, namely Balaji Kolge, however, the said quarrel was settled in the police station. Thereafter, on the same day, at about 9.00 p.m. when the informant, his brother, Nandkumar Pawar, Sunil Bhoite and Kishor Kolge were sitting in the Tea Stall of Dilip Kolge at that time, accused Harshal assaulted the informant with iron pipe on his head and the applicants assaulted them with sticks.

3. According to the applicants, on 24th September, 2022, at about 8.55 a.m. applicant Chatrabhuj lodged FIR against 8 accused persons from the informant Rajdendra's side, which is registered at Crime No. 211 of 2022 in Bembali Police Station for the offence punishable under section 143, 147, 148, 324, 323, 504, 506, 149 of the Indian Penal Code. In the said FIR it is alleged that the accused named in the FIR assaulted informant's son Swapnil by bringing iron pipes, iron rods from the hotel of

Dilip Kolge and when the informant and his cousin Sampat went to intervene, even they were also assaulted. The informant Chatrabhuj and other injured persons were taken to Government Hospital, Osmanabad for treatment. Though offence punishable under section 324 of the Indian Penal Code is registered against the informant Rajendra's side, informant Rajendra and the assailants named in the FIR lodged by the applicant Chatrabhuj, are not arrested.

4. Learned Additional Public Prosecutor, on instructions from the Investigating Officer has confirmed this fact that the accused persons named in the FIR lodged by Chatrabhuj are not arrested and notice under section 41 of the Code of Criminal Procedure was issued against them.

5. Taking into consideration the above facts and the fact that there is cross complaint lodged by the applicant Chatrabhuj about the same incident and the applicants Chatrabhuj and Sampat have suffered injuries in the said incident, the applicants deserve protection.

6. The applications are, therefore, allowed. In the event of arrest of the applicants in connection with Crime No. 210 of 2022 registered with Bembli Police Station, District – Osmanabad

for the offence punishable under sections 326, 324, 323, 504, 506, 143, 147, 148, 149, 427 of the Indian Penal Code, they be released on executing PB and SB of Rs.10,000/- each with one surety each in the like amount. The applicants shall attend the concerned police station every day from 18th to 25th November, 2022 between 10.00 a.m. and 12.00 noon and co-operate in the investigation. The applicants shall not tamper the prosecution evidence.

[NITIN B. SURYAWANSHI]
JUDGE

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