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IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

ANTICIPATORY BAIL APPLICATION NO.1496 OF 2022

Harshal @ Monty Shamrao Sonwane

APPLICANT

VERSUS

The State of Maharashtra and Another

RESPONDENTS

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Mr. Abhaysinh K. Bhosle, Advocate for the applicant
Mrs. P. V. Diggikar, APP for respondent - State

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[CORAM : NITIN B. SURYAWANSHI, J.]

DATE : 24th NOVEMBER, 2022

ORDER :

1. The applicant apprehends his arrest in connection with Crime No. 88 of 2020 registered with Yawal Police Station, District-Jalgaon for the offence punishable under sections 307, 323, 504, 506, 143, 147, 148, 149 of the Indian Penal Code, under section 144 of the Code of Criminal Procedure read with section 188 of the IPC and u/s 37 (1), 37 (3), 135 of the Maharashtra Police Act.

2. Informant Dnyaneshwar Namdev Tayade lodged the FIR against 9 accused persons whose names are mentioned in the FIR and against 4 to 5 unknown persons alleging that, on 18th May, 2020 at about 10.00 p.m. he was called by Vicky Ramdas

Nehete on the pretext that accused Shamrao Dhondu Sonawane wants to return Rs.30,000/- lend by the informant to him. When the informant went to Kolnhavi phata and asked Shamrao to return the amount, he was assaulted by the accused persons, including the present applicant.

3. Heard learned advocate for the applicant and the learned Additional Public Prosecutor. Perused the papers of the investigation.

4. Perusal of the FIR and the papers of the investigation shows that vague and general allegations are levelled against the applicant. There is no specific overt act attributed to him. The applicant himself has suffered injuries in the incident dated 18th May, 2020 for which offence, at the instance of his father, is registered at Crime No. 87 of 2020 against 14 to 15 accused persons from the informant Dnyaneshwar's side, for the offence punishable under section 307, 341, 325, 323, 143, 147, 148, 149, 427 of the Indian Penal Code, under section 144 and 188 of the Criminal Procedure Code and under sections 37 , 37 (1), 37 (3) of the Maharashtra Police Act. Injury certificate of the applicant shows that the applicant had suffered multiple injuries, including fracture and head injury.

5. Charge sheet, in the present crime, is already filed on 20th April, 2021. The main accused, against whom specific overt act is attributed i.e. Sagar, brother of the applicant, is stated to have been granted anticipatory bail by the Sessions Court.

6. In that view of the matter custodial detention and/ or interrogation of the applicant is not necessary and the applicant therefore, deserves protection.

7. The application is allowed.

8. In the event of Arrest of the applicant in connection with Crime No. 88 of 2020 registered with Yawal Police Station, District-Jalgaon for the offence punishable under sections 307, 323, 504, 506, 143, 147, 148, 149 of the Indian Penal Code, under section 144 of the Code of Criminal Procedure read with section 188 of the IPC and u/s 37 (1), 37 (3), 135 of the Maharashtra Police Act, the applicant be released on executing Personal Bond of Rs.15,000/- with one surety in the like amount. The applicant shall not tamper prosecution evidence.

[NITIN B. SURYAWANSHI]
JUDGE