

drp

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

ANTICIPATORY BAIL APPLICATION NO.1498 OF 2022

Dinesh Bapusaheb Gunjkar and Others

APPLICANTS

VERSUS

The State of Maharashtra and Another

RESPONDENTS

.....

Mr. Avinash N. Barhate Patil, Advocate for the applicants

Mrs. P. V. Diggikar, APP for respondent - State

Mr. J. M. Murkute, Advocate for the informant

.....

[CORAM : NITIN B. SURYAWANSHI, J.]

DATE : 22nd NOVEMBER, 2022

ORDER :

1. The applicants apprehend their arrest in connection with Crime No. 419 of 2022 registered with Rahata Police Station, District – Ahmednagar for the offences punishable under sections 307, 327, 452, 324, 341, 323, 504, 506, 143, 147, 148, 149 of the Indian Penal Code and under sections 3/25 and 4/25 of the Arms Act and under section 37 (1) (3) and 135 of the Maharashtra Police Act.

2. In the FIR, vague and general allegations are levelled against the applicants that they, along with main accused persons, have assaulted the injured and the witness.

3. Heard learned advocate for the applicants, learned Additional Public Prosecutor for the State and learned advocate representing the informant. Perused the papers of investigation.

4. Name of applicant No.1 is taken by one of the eyewitnesses, who states that applicant No.1, along with other accused persons, entered the house of the injured and assaulted the injured with sword, sticks, wooden log and pistol. The injured person has specifically attributed assault to the main accused persons. He does not name the applicants being his assailants. Investigation papers further reveal that applicants No.2 to 5 have abused the injured as well as another witness Vijay. Except this, there is no material to show active involvement of the applicants in the actual assault.

5. *Prima facie*, considering the FIR and the investigation papers, it appears that the applicants have not participated in the actual assault, with any weapon. There are total ten accused persons, named in the FIR and the applicants are accused No. 4, 7, 8, 9 and 10. Taking into consideration the above aspects, custodial detention of the applicants, at this stage, is not warranted.

6. The applicants were granted interim protection and they

have attended the police station and have co-operated in the investigation. In that view of the matter, the application deserves to be allowed and the same is hereby allowed by confirming the interim protection. The applicants shall not enter village Rahata till filing of the charge sheet. The applicants shall attend the concerned police station as and when called by the Investigating Officer.

[NITIN B. SURYAWANSHI]
JUDGE

drp/aba1498-22