

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

915 ANTICIPATORY BAIL APPLICATION NO.1495 OF 2021

RAHUL UMESH NANNAVARE AND OTHERS

VERSUS

THE STATE OF MAHARASHTRA

...

Mr. A.S. More, Advocate for applicants

Mr. N.T. Bhagat, APP for respondent Nos.1 and 2

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CORAM : SMT. VIBHA KANKANWADI, J.

DATE : 06th JANUARY, 2022

ORDER :

1 The applicants are apprehending their arrest in connection with Crime No.381/2021 dated 06.11.2021 registered with Tuljapur Police Station, Dist. Osmanabad, for the offence punishable under Section 307, 143, 147, 148, 149, 324, 323, 504 of the Indian Penal Code, 1860 and under Section 4, 25 of the Arms Act, 1959. It will not be out of place to mention here that after hearing the party, when disinclination is shown to grant any relief to applicant No.1, the learned Advocate for the applicants submitted that he may be allowed to withdraw the application as against the applicant No.1. There is no hurdle in accepting his submissions.

2 Heard learned Advocate Mr. A.S. More for the applicants and learned APP Mr. N.T. Bhagat for the respondent Nos.1 and 2.

3 Perusal of the First Information report would show that it has been lodged by one Sambhaji Tanajirao Palange, who has given the FIR on 06.11.2021 in respect of the incident that had taken place on 04.11.2021 at about 7.45 p.m. He was admitted to Ashwini Hospital, Solapur in Intensive Care Unit when he lodged the report. The incident is stated to have taken place when the informant was proceeding on motorcycle, a car had come and it was so fast and it disturbed the motion of the vehicle of the informant. Therefore, there was altercation between the driver and one Sagar Kadam, who was proceeding in that car. However, some of the accused came after they were allegedly called by the Sagar Kadam and the applicants were armed with sticks, sword and rod. It is then stated that the applicant No.1 had assaulted the informant with rod on his head. Accused Amol Nannavare, who is not before this Court, had assaulted the informant with sword, but the informant had stopped the blow with his hand, causing injury to his hand. It is then stated that the other persons assaulted him by sticks and rod on his hands and legs as well as kicks and fist blows. Thus, it is to be noted that as regards the applicant Nos.2 to 4 are concerned, it is the omnibus statement in the First Information Report and, therefore, they deserve to be protected with

conditions. This Court by order dated 10.12.2021 had protected applicant Nos.2, 3 and 4 that they should not be arrested till next date. However, a detailed order is required to be passed. Hence, following order.

ORDER

1 Application stands disposed of as withdrawn in respect of applicant No.1.

2 Application stands allowed in respect of applicant Nos.2 to 4.

3 In the event of arrest of the applicant No.2) Nitin Ram Nannavare, 3) Akash Ram Nannavare and 4) Satyawan Waman Nannavare, in connection with Crime No.381/2021 dated 06.11.2021 registered with Tuljapur Police Station, Dist. Osmanabad, for the offence punishable under Section 307, 143, 147, 148, 149, 324, 323, 504 of the Indian Penal Code, 1860 and under Section 4, 25 of the Arms Act, 1959, they be released on PR. of Rs.50,000/- (Rupees Fifty Thousand only) each with two solvent sureties of Rs.25,000/- (Rupees Twenty Five Thousand only) each.

4 The applicants shall not indulge in any criminal activity nor shall try to tamper with the evidence of prosecution, in any manner.

5 Applicants shall cooperate with the investigation and shall attend

Police Station, Tuljapur on every Monday and Thursday between 11.00 a.m. to 02.00 p.m., till filing of charge sheet.

(Smt. Vibha Kankanwadi, J.)

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