

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

ANTICIPATORY BAIL APPLICATION NO.1553 OF 2022

Kantilal Kisan Gawade

...Applicant

Versus

The State Of Maharashtra And Another

...Respondents

Mr. A.K. Bhosle, Advocate for the applicant.

Mr. V.S. Badakh, APP for State.

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[CORAM : NITIN B. SURYAWANSHI, J.]

DATE : 29th NOVEMBER, 2022

ORDER :

1. The applicant apprehends his arrest in Crime No. 14/2022 registered with Mirajgaon Police Station, Ahmednagar for the offences punishable under section 143 and 147 of Arms Act, 1959 and under section 148, 149, 324, 323, 504, 506 and 427 of Indian Penal Code.

2. Prakash Gawade lodged First Information Report against 9 accused persons alleging that all accused persons assaulted him, his wife Neeta and son Prathmesh with chopper, iron rod, sickle, pvc pipe and wooden sticks.

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

4. Accused No. 1 in the present crime has lodged First Information Report against 14 accused persons from the informant's side which is registered at Crime No. 16/2022 with Mirajgaon Police Station, Ahmednagar for the offences punishable under section 141, 143, 147, 149, 324, 323, 427, 504, 506 of Indian Penal Code. It is alleged in the First Information Report that accused persons named therein including first informant in the present crime assaulted him, his mother, father and brother with stones, iron rod and wooden sticks.

5. General allegations are levelled against the applicant. Medical certificates of injured persons prima facie do not support the allegations made in the First Information Report against the applicant. Out of 9 accused named in the First Information Report, Accused No. 4, 5, 7 to 9 are released on anticipatory bail by the Sessions Court. Accused No. 1 and 2 are arrested. The weapons allegedly used in the offence are already recovered.

6. The applicant was granted interim protection on condition to attend the concerned police station and co-operate in the investigation. The applicant has scrupulously followed the condition. The learned Additional Public Prosecutor confirms this fact.

7. In view of above circumstances, pre-trial custodial detention of the applicant is not warranted in the facts of the present case. The application is therefore allowed by confirming the interim order dated 21.11.2022.

8. Till filing of charge sheet, the applicant to attend the concerned police station as and when called by the investigating officer. The applicant shall co-operate in the investigation and shall not tamper the prosecution evidence.

[NITIN B. SURYAWANSHI, J.]