

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

23 ANTICIPATORY BAIL APPLICATION NO.1536 OF 2021

HEMANT BABANPRASAD DIXIT AND ANOTHER

VERSUS

THE STATE OF MAHARASHTRA

...

Mr. A.K. Bhosale, Advocate for applicants

Mr. A.M. Phule, APP for the respondent

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CORAM : SMT. VIBHA KANKANWADI, J.

DATE : 17th JANUARY, 2022

PER COURT :

1 Applicants are apprehending their arrest in connection with Crime No.359/2021 dated 02.12.2021 registered with Harsul Police Station, Dist. Aurangabad, for the offence punishable under Section 307, 323, 504 read with Section 34 of the Indian Penal Code, 1860.

2 Heard learned Advocate Mr. A.K. Bhosale for applicants and learned APP Mr. A.M. Phule for the respondent. In order to cut short it can be said that they have argued in support of their respective contentions.

3 Perusal of the First Information Report lodged by the son of the

injured would show that his father has gone outside at about 9.15 p.m. as usual on 30.11.2021. Thereafter, around 10.15 p.m. informant's friend informed him that informant's father having quarrel with somebody in SBO Chowk, opposite Kabir Pan Centre. When the informant was about to leave the house, he could find that the father had come on his motorcycle. His father informed him that when he had gone to Kabir Pan Centre, he met the present applicants and one Arun Shinde. Thereafter, there was hot altercations between applicant No.1 and the injured. In that the applicant No.1 had slapped the injured, then, the injured had also slapped applicant No.1. There was then manhandling. Then the applicant No.2 and Arun Shinde joined the quarrel. According to the injured, injured had received injury near his eyes, caused by the applicant No.2 with something. Injured had then pushed the present applicants and at that time, co-accused Arun Shinde had stabbed twice the injured in the stomach with the help of knife. Informant had then taken his father to hospital. The injured was then admitted to MGM hospital and after two days thereafter he lodged the First Information Report.

4 Taking into consideration the role attributed to the present applicants this Court had granted interim relief by order dated 17.12.2021. Accordingly, it appears that the applicants had attended the Police Station. It

has been stated that Arun Shinde was arrested. Now, nothing is required to be seized at the instance of the present applicants and may be a case of sudden fight. In view of the same the present applicants deserve anticipatory bail. Hence, following order.

ORDER

1 Application stands allowed.

2 The ad-interim protection, granted by this Court earlier to applicants vide order dated 17.12.2021, is hereby confirmed and made absolute. In other words, if the applicants are not formally arrested, in the event of arrest of the applicants viz. Hemant Babanprasad Dixit and Ram @ Rameshwar Baburao Tandale, in connection with Crime No.359/2021 dated 02.12.2021 registered with Harsul Police Station, Dist. Aurangabad, for the offence punishable under Section 307, 323, 504 read with Section 34 of the Indian Penal Code, 1860, they be released on P.R. of Rs.20,000/- (Rupees Twenty Thousand only) each with two solvent sureties, each, in the like amount.

3 The applicants shall not indulge in any criminal activity nor they should tamper with the prosecution evidence, in any manner.

4 They should cooperate with the investigation and shall attend the concerned Police Station as and when called by the Investigating Officer.

(Smt. Vibha Kankanwadi, J.)

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