

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

CRI. ANTICIPATORY BAIL APPLICATION NO. 116 OF 2022

Ankush Mahadev Waghmode & Anr. ..Applicants

Vs.

The State of Maharashtra ..Respondent

Mr. Vaibhav R. Gargade, for the Applicants.

Mr. A. R. Kapadnis, APP for the Respondent / State.

Mr. R. V. Bansode, for the Complainant / Intervener.

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CORAM : C.V. BHADANG, J.

DATE : 15 MARCH 2022

P.C.

. The Applicants, apprehending arrest, in connection with investigation of Crime No.365/2021 of Police Station Natepute, Solapur (Rural), under Section 307, 323, 504 and 506 r/w. 34 of IPC, are seeking anticipatory bail.

2. I have heard the learned counsel for the parties. Perused record.

3. By detailed order dated 18 January 2022, the Applicants were granted interim protection on condition of attendance with the concerned Police Station.

4. The learned counsel for the Applicants submitted that Applicants have reported to the Investigating Officer and have cooperated with the investigation.

5. In this case, the investigation qua the Accused No.1 Kiran Waghmode, who was arrested, is complete and the chargesheet is already filed. *Prima facie*, it appears that it is the co-accused Kiran Waghmode who is attributed with an assault by an iron rod on the head of the deceased Nana Waghmode. The allegation in so far as the Applicants are concerned is that, after the deceased fell down, the Applicants assaulted the deceased by fist and kicks blows. Admittedly, there is enmity between the family of the deceased and that of the Applicants. The Application was adjourned in order to enable the learned APP to produce the chargesheet and the Post Mortem (PM) report. The PM report shows that the deceased died on account of head injury. I have also gone through the statement of Tushar Waghmode who is a child witness and the grandson of the deceased. He was studying in 8th Standard at the time when his statement was recorded. His statement shows that the Applicants had only assaulted the deceased with fist and kicks blows. Having

regard to the nature of the allegations, there is no recovery which can be contemplated against the Applicants. As noticed earlier, the investigation qua the Accused No.1 against whom the material allegation of assault by an iron rod is there, is complete and the chargesheet is also filed.

6. In such circumstances, the Criminal Application is disposed of, in terms of the order dated 18 January 2022, which is hereby made absolute. The Applicants shall continue to cooperate with the Investigating Agency as and when required and shall not tamper with the prosecution evidence / witnesses.

C.V. BHADANG, J.