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Chitra Sonawane

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

(906) ANTICIPATORY BAIL APPLICATION NO. 1972 OF 2022

Akash Premnath Ingole

Age 22 yrs, Occ: Education
r/o Bamani, Tal.Sangola,
District-Solapur.

... Applicant.

V/s.

The State of Maharashtra

(Through Sangola Police Station,
Tal. Sangola, District-Solapur,
C.R. No.685/2022)

... Respondent.

WITH

(909) ANTICIPATORY BAIL APPLICATION NO. 1978 OF 2022

1.Talabai @ Shakuntala Premnath Ingole

Age 70 yrs, Occ: Household

2. Laxman Shamrao Bhosale

Age 42 yrs, Occ: Labour

3. Sindhubai @ Sindabai Laxman Bhosale

Age 40 yrs, Occ: Household

4. Ganga @ Gangabai Mahadev Ingole

Age 38 yrs, Occ: Household,
Nos.1 to 4 r/o Bamani, Tal.Sangola
Dist-Solapur.

... Applicants.

V/s.

The State of Maharashtra
(through Sangola Police Station,
Tal.Sangola, Dist-Solapur
C.R.No.685/2022)

... Respondent.

...

Mr.Dilip Bodake, Advocate a/w Suyash Khose, for Applicants in both the applications.

Mr.PH.Gaikwad, A.P.P. for Respondent-State in both the applications.

...

CORAM : PRITHVIRAJ K. CHAVAN, J.
DATE : 21st JULY, 2022.

PC. :

1. Heard the learned Counsel for the applicants and learned APP for some time.
2. The Additional Sessions Judge, Pandharpur while granting bail under Section 439 of Cr.PC to the prime accused of this case viz. Somnath Shrimant Ingole, Dhanaji @ Ganesh Mahadeo Ingole and Mahadeo Namdeo Ingole, observed in paragraph no.7 that the Investigating Officer had already recorded Spot Panchnama, seized alleged weapons of offence, collected medico legal certificate and injury certificate and prayed for magisterial custody of the accused, meaning thereby, the investigation is almost complete.
3. Learned Counsel for the applicants herein, has invited my attention to page no.51 which is a communication by the Investigation Officer to JMFC,

Sangola wherein he has categorically stated that Section 4 r/w 25 of the Arms Act has been deleted as none of the accused were found armed with a sword. Rather, sword was in the hand of Vijay @ Yuvraj Hari Bhosale who is the son of the first informant. Astonishingly, the Investigating Officer appears to have not initiated any action against Vijay @ Yuvraj Hari Bhosale for holding a sword at the time of altercation. Be that as it may.

4. Learned APP, on instructions of the Investigating Officer who is present before the Court, fairly submits that custodial interrogation of any of these applicants is not required and that the Chargesheet would be filed within 2 weeks. Statement is accepted.

5. Though offences are under Section 307, 324, 323, 504, 506, 143, 147, r/w 149 of the Indian Penal Code, yet in view of the attending circumstances and the facts brought before this Court and also in light of the statement of the Investigating Officer before this Court that he would not arrest the applicants, the applications are disposed off as infructuous.

6. The applicants shall appear before the regular Court after filing of the charge-sheet.

[PRITHVIRAJ K.CHAVAN, J.]