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IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

ANTICIPATORY BAIL APPLICATION NO.8 OF 2023

Shrirang Kashinath Kharad and Others

APPLICANTS

VERSUS

The State of Maharashtra and Another

RESPONDENTS

Mr. Parth Surendra Salunke, Advocate for the applicants

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

Mr. R V. Gore, Advocate for the informant

[CORAM : NITIN B. SURYAWANSHI, J.]

DATE : 6th FEBRUARY, 2023

ORDER :

1. The applicants apprehend their arrest in Crime No. 441 of 2019 registered with Paithan Police Station, Paithan, District – Aurangabad for offence punishable under Sections 307, 324, 143, 144, 147, 148, 149, 504, 506 of the Indian Penal Code
2. FIR is lodged by Macchindra Ankush Kharad against 11 accused persons alleging that all the accused persons assaulted him and his cousins Avinash, Bhagwat and Jalindar.
3. Heard learned advocate for the applicants, learned Additional Public Prosecutor for the State and the learned advocate for the informant. Perused the investigation papers.

4. Both, the informant's side and the applicants' side have lodged cross FIRs against each other. There appears scuffle and / or free fight between two groups in which members of both the parties have received injuries.

5. While opposing the bail application, learned Additional Public Prosecutor as well as the learned advocate for the informant would submit that one injured Avinash is in critical condition and is on ventilator support, therefore, considering the serious allegations, the applicants may not be granted anticipatory bail.

6. In the present crime, 7 accused persons are arrested and they are in custody. Taking into consideration the general allegations levelled against the applicants, injury certificates and the fact that there are cross FIRs, the applicants are entitled for protection.

7. The applicants were granted interim protection and they have co-operated in the investigation. Nothing is to be recovered from the applicants. Their pre-trial custodial detention, in the facts of the present case, is not necessary.

8. In the result, the application is allowed. In the event of

arrest of the applicants in Crime No. 441 of 2019 registered with Paithan Police Station, Paithan, District – Aurangabad for offence punishable under Sections 307, 324, 143, 144, 147, 148, 149, 504, 506 of the Indian Penal Code, they be released on executing Person Bond of Rs.15,000/- each with one surety each in the like amount. Till filing of the charge sheet, the applicants shall attend the concerned police station as and when called by the investigation officer. The applicants shall not tamper prosecution evidence.

[NITIN B. SURYAWANSHI]
JUDGE