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IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

ANTICIPATORY BAIL APPLICATION NO.180 OF 2023

Danesh Raju Qureshi and Others

APPLICANTS

VERSUS

The State of Maharashtra and Another

RESPONDENTS

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Mr. Abhaysinh K. Bhosle, Advocate for the applicants

Mr. A. V. Deshmukh, APP for respondent - State

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[CORAM : NITIN B. SURYAWANSHI, J.]

DATE : 14th FEBRUARY, 2023

ORDER :

1. Applicants apprehend arrest in Crime No. 34 of 2023 registered with MIDC, Waluj Police Station, District – Aurangabad for offence punishable under sections 307, 323, 504, 143, 147, 148, 149 of the Indian Penal Code and u/s 4/25 of the Arms Act and u/s 135 of the Maharashtra Police Act.

2. FIR is lodged by Yogesh Shivaji Mhaske against 10 accused persons. Eight accused are named in the FIR and 2 are said to be unknown persons. It is alleged that on 13th January, 2023, while he was taking tea along with his friends, Umar Shaikh started abusing him saying that he is instigating witnesses in his father's murder to give evidence against them. At that time,

present applicants assaulted him with fists and kick blows and Umer Shaikh called his father Mukhtar. He came there with 2/3 unknown persons. Umer and Danesh caught hold of his hands and Mahesh Vetel and Bhausahab Vetel embraced him from behind. Co-accused Laddya and Sikender assaulted him with fists and kick blows and Mukhtar Shaikh gave blows of sword on his head.

3. Heard learned advocate for the applicants. Learned Additional Public Prosecutor for the State. Perused the investigation papers.

4. Accused Bhausahab Vetel was arrested on 19th January, 2023, rest of the accused are yet to be arrested. Though some of the eyewitnesses have named present applicants as they have assaulted the informant and others with fists and kick blows, no corresponding injuries are seen in the injury certificate. In the CCTV footage of the incident, the applicants are not seen assaulting the informant with fists and kick blows. Nothing is to be recovered from the applicants. Considering the allegations made against the applicants and the role attributed to them, pre-trial custodial detention of the applicants is not necessary. The application is, therefore, allowed. In the event of arrest of the applicants in Crime No. 34 of 2023 registered with MIDC,

Waluj Police Station, District – Aurangabad for offence punishable under sections 307, 323, 504, 143, 147, 148, 149 of the Indian Penal Code and u/s 4/25 of the Arms Act and u/s 135 of the Maharashtra Police Act, the applicants be released on executing Personal Bond of Rs.15,000/- each with one surety. Till filing of the charge sheet, the applicants shall attend the concerned police station on every Saturday and Sunday between 10.00 a.m.and 02.00 p.m. The applicants shall co-operate in the investigation and shall not tamper prosecution evidence.

[NITIN B. SURYAWANSHI]
JUDGE