

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

ANTICIPATORY BAIL APPLICATION NO. 266 OF 2023

1. Surekha Bhiusing Rathod
 2. Bhiusing Goba Rathod
 3. Bhushan @ Shekhar Bhiusing Rathod
 4. Roshan @ Rohan Bhiusing Rathod
- ..APPLICANTS

VERSUS

State of Maharashtra and Another

..RESPONDENTS

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Mr. R.S. Deshmukh, Senior Advocate a/w Mr. V.A. Chavan, Advocate i/b
Mr. D.R. Deshmukh, Advocate for applicants
Mr. K.N. Lokhande, A.P.P. for respondents

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**CORAM : R.G. AVACHAT, J.
DATED : 14th MARCH, 2023**

PER COURT :

1. Leave to amend the prayer clause.
2. After having perused the F.I.R. and heard learned senior counsel for the applicants, the Court expressed disinclination to grant relief to Applicant No.3 - Bhushan Rathod. He, therefore, comes around to withdraw the application for Applicant No.3.
3. Leave granted. Application of Applicant No.3 stands disposed of as withdrawn.

4. Learned A.P.P. has also strong reservation to grant relief to Applicant Nos. 1, 2 and 4, since their involvement is said to have been writ large in the offence in question.

5. Close reading of the F.I.R. indicates the other applicants are alleged to have assaulted the informant and his wife with fists and kicks. Same constitute offence punishable under Section 323 of the Indian Penal Code, being bailable one. Criminal liability for non-bailable offence of these applicants is sought to be invoked with the aid of Section 34 of the I.P.C. The reason to the incident appears to have been the victim to have peed in front of the house of Applicant No.1. That triggered the matter. Since Applicant Nos.1, 2 and 4 appear to have committed a bailable offence, the Court is inclined to grant them relief.

6. In view of above, order dated 28th February, 2023 granting interim protection to Applicant Nos.1, 2 and 4 is hereby made absolute. They shall appear before the investigating officer, as and when required for the investigating purpose. They shall not tamper with the prosecution evidence.

(R.G. AVACHAT, J.)

SSD