

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

922 ANTICIPATORY BAIL APPLICATION NO.631 OF 2023

Babasaheb Haribhau Labde

...Applicant

VERSUS

1. The State of Maharashtra

2. Superintendent of Police

...Respondents

...

Advocate for Applicant : Mr.Dhorde Vikram R.

APP for Respondent State : Ms. R.P.Gaur

CORAM : R. G. AVACHAT, J.

DATE : 04.05.2023.

PER COURT :

1. Heard.

2. It has been stated in the First Information Report (for short "FIR") itself that sometime before the incident, the applicant met to Bhakti Kale and urged for settlement of the dispute. It has been further alleged in the FIR that the applicant Babasaheb and Dattatraya were armed with iron rod and wooden stick. Both of them assaulted Mayur. Admittedly, iron rod was recovered. If we take the averments in the FIR as it is, what it suggest is that Babasaheb was armed with iron rod and

the same has already been recovered. So has been observed by the learned Additional Sessions Judge in his order dated 06.04.2023. As such, the weapon allegedly used by the applicant Babasaheb has been recovered/seized. Therefore, no custodial interrogation of the applicant Babasaheb is required, although the learned APP submits that it was Babasaheb, along with whom other co-accused had come to the scene of offence and assaulted Dnyaneshwar, Mayur and the informant. In view of the same. The application is allowed with the following order :-

ORDER

(a) In the event of arrest of the applicant Babasaheb Haribhau Labde, in connection with Crime No.142 of 2023 registered with Shrirampur City Police Station, District Ahmednagar for the offences punishable under Sections 143, 147, 148, 149, 307, 324, 323, 504 of the Indian Penal Code, the applicant be released on executing P.R. bond in the sum of Rs.15,000/- (Rupees Fifteen Thousand) with one surety in the like amount on conditions that :-

(i) The applicant shall appear before the investigating officer, as and when required for the investigating purpose.

(ii) The applicant shall not tamper with the prosecution evidence in any manner.

(R. G. AVACHAT)
JUDGE

mahajansb/