

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

ANTICIPATORY BAIL APPLICATION NO.640 OF 2023

KIRAN UTTAM BARADE AND ANOTHER
VERSUS
THE STATE OF MAHARASHTRA

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Advocate for Applicants : Ms. S. G. Sonawane
APP for Respondents: Mr. V. S. Badakh

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CORAM : R.M. JOSHI, J

DATE : JUNE 07, 2023

PER COURT :

1. Applicants are apprehending arrest in connection with Crime No. 143/2023 registered with Rahuri Police Station for the offences punishable under Sections 326, 323, 504, 506, 427, 143, 147 of Indian Penal Code.

2. It is the case of informant, who is recovery agent of financial company, that he went to the house of Applicant No. 1 – Kiran for the recovery of the installment of loan. It is alleged that at that time Applicants assaulted him with iron rod and wooden stick. In the said assault he sustained injuries. It is also alleged that damage was caused to the vehicle of the informant.

3. Learned Counsel for the Applicants states that except for one alleged fracture to the wrist there are no serious injuries caused to the informant. She further states that the iron rod as well wooden stick allegedly used in the assault are already seized from the spot. Thus, according to her, custodial interrogation of the Applicants is not necessary. She further states that Applicants have no criminal antecedents.

4. Learned APP opposed the said submissions by referring to the injury certificate and statement of witnesses.

5. Perusal of the investigation paper indicates that as far as present Applicants are concerned, practically entire investigation is over. In view of the admitted that the alleged weapons are already seized from the spot, further custodial interrogation of the Applicants is not necessary. Applicants have no criminal antecedents. They cannot be send behind bar by way of pre-trial punishment. There is no likelihood of their abscondance. A condition to cooperate the investigation as and when required will be sufficient

for further effective investigation.

6. Hence, the order:

O R D E R

- (i) In the event of arrest the Applicants in connection with Crime No. 143/2023 registered with Rahuri Police Station for the offences punishable under Sections 326, 323, 504, 506, 427, 143, 147 of Indian Penal Code, they shall be released on bail on furnishing PR bond of Rs. 15,000 (Rupees Fifteen Thousand Only) each with one solvent surety in the like amount.
- (ii) They shall attend the concerned police station as and when required.
- (iii) They shall not contact the prosecution witnesses directly or indirectly.
- (iv) They shall not interfere with the evidence in any manner whatsoever.
- (v) They are further directed to cooperate the investigating agency for further investigation.

(R.M. JOSHI, J.)

Malani