

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

ANTICIPATORY BAIL APPLICATION NO.751 OF 2023
WITH APPLN/1962/2023 IN ABA/751/2023

BALASAHEB KUNDLIK NALAGHE AND OTHERS.

VERSUS

THE STATE OF MAHARASHTRA AND ANOTHER

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Advocate for Applicants : Mr. D. R. Adhav

APP for Respondents: Mr. V. S. Badakh

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CORAM : R.M. JOSHI, J

DATE : JUNE 07, 2023

PER COURT :

1. Mr. G. P. Darandale h/f Mr. Kotkar makes statement that he has instructions to appear on behalf of informant to assist P.P.

2. Leave granted. Criminal Application No. 1962/2023 disposed of.

3. After this Court has shown its disinclination to entertain the application against Applicant Nos. 1, 2 and 4, learned Counsel for these Applications, on instructions, seeks withdrawal of the Application.

4. Application stands dismissed as withdrawn against Applicant Nos. 1, 2 and 4.

5. Applicant no. 3 is apprehending arrest in connection with Crime No. 398/2023 registered with Newasa Police Station for the offences punishable under Sections 324, 504, 506, 143, 144, 147, 148, 149 of Indian Penal Code and Section 4/25 of the Arms Act.

6. Informant – Balasaheb Nalge has stated that on the date of incident Applicants and other persons came to the spot. Applicant No. 1 with the help of wooden stick caused assault on his right hand and others rushed upon his person. Though the witnesses to the incident added names of other two co-accused as assailants but there is no allegation that Applicant No. 3 is involved in the actual assault.

7. Perusal of investigation papers reveal that as far as Applicant No. 3 – Akshay is concerned, neither in the FIR nor in statement of eye witnesses have attributed any role to him causing any assault on the informant. This Applicant is of young age with no criminal antecedents. Practically his custodial interrogation is not essential. Appropriate direction to this applicant to appear before investigating officer to cooperate in further investigation would

meet need of investigating agency.

8. Hence, the order:

O R D E R

- (i) In the event of arrest of the Applicant No. 3 – Akshay in connection with Crime No. 398/2023 registered with Newasa Police Station for the offences punishable under Sections 324, 504, 506, 143, 144, 147, 148, 149 of Indian Penal Code and Section 4/25 of the Arms Act, he shall be released on bail on furnishing PR bond of Rs. 15,000 (Rupees Fifteen Thousand Only) with one solvent surety in the like amount.
- (ii) He shall attend the concerned police station as and when required.
- (iii) He shall not contact the prosecution witnesses directly or indirectly.
- (iv) He shall not interfere with the evidence in any manner whatsoever.
- (v) He is further directed to cooperate the investigating agency for further investigation.

(R.M. JOSHI, J.)