

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

ANTICIPATORY BAIL APPLICATION NO.760 OF 2023
WITH APPLN/2077/2023 IN ABA/760/2023

BHUJANG CHARPATINATH ZAMBARE AND ANOTHER
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER

...
Advocate for Applicants : Mr. N. B. Narwade
APP for Respondents: Mr. G. O. Watamwar
Advocate for Asst to P.P. : Mr. S. E. Shekade

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CORAM : R.M. JOSHI, J

DATE : JUNE 26, 2023

PER COURT :

1. At the outset, when this Court has shown its disinclination to entertain the Applicant of Applicant No. 1 – Bhujang Zambare, on instructions, seeks withdrawal of the Application.

2. Application stands dismissed as withdrawn *qua* Applicant No. 1.

3. Applicant No. 2 – Vilas Zambare apprehends arrest in connection with with C.R. No. 143 of 2023 registered with Ashti Police Station, Dist. Beed for the offences punishable under Sections 326, 324, 323, 504, 506, 143, 147, 148, 149 of the Indian Penal Code.

4. Learned Counsel for the Applicant No. 2 states that there are disputes between the parties and the present FIR is preceded by the complaint lodged by the wife of the brother of the Applicant No.1 against informant and others. It is submitted that the attempt of involving Applicant and other co-accused is clearly apparent by the statements made in the FIR. He further submits that co-accused are enlarged on bail.

5. Learned APP and learned Counsel for informant opposed the said submission by referring to the injury certificate on record. According to them contention of the informant gets support from these injury certificates.

6. It appears from the record that there are dispute between parties and complaints lodged against each other. The first informant has narrated specifically as to which accused caused assault on him. He claims that Applicant No. 2 assaulted him with hammer on his head. The said contention however does not get corroborated by the injury certificate placed on record. Considering the dispute between the parties possibility of over implication cannot be ruled out.

Condition to the Applicant to attend the police station and cooperate the investigation is sufficient for further investigation.

7. Hence, the order:

O R D E R

- (i) In the event of arrest the Applicant No. 2 in connection with with C.R. No. 143 of 2023 registered with Ashti Police Station, Dist. Beed for the offences punishable under Sections 326, 324, 323, 504, 506, 143, 147, 148, 149 of the Indian Penal Code, 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 once in a week.
- (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.
- (vi) Pending application, if any, is also disposed of.

(R.M. JOSHI, J.)