

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

ANTICIPATORY BAIL APPLICATION NO.1059 OF 2023

**ABHAY S/O ARUNRAO SAWANT AND ANOTHER
VERSUS**

THE STATE OF MAHARASHTRA AND ANOTHER

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Mr. Prashant P. Giri, Advocate for Applicants
Mr. Y.G. Gujrathi, APP for Respondent Nos.1 & 2
Mr. R. N. Chavan, Advocate h/f Mr. V.A. Bagdiya, Advocate for
Respondent No.3

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CORAM : NITIN B. SURYAWANSHI, J.

DATE : 21st SEPTEMBER, 2023

PER COURT :

1. This is second anticipatory bail application filed by applicants. Earlier Anticipatory Bail Application No.891/2022 was withdrawn by applicants on 10/10/2022, as this Court was not inclined to grant relief.
2. Present application is filed on the ground that there are subsequent developments and change in circumstance. Applicants are justified in contending so, as the investigating officer has filed 'B' Summary report in the matter on 18/01/2023. It further appears from record that 'no objection' was given by informant to the said 'B' Summary report.
3. Trial Court in the order passed below 'B' Summary Final report has held that, alleged offence punishable under Section 307, is serious and injuries sustained by victim are contused lacerated

wounds. Investigating officer did not investigate as to whether such injuries can be sustained if a person falls from motorcycle. No medical opinion is sought in this regard. Furthermore, no action has been taken by the investigating officer against informant when he came to know that alleged false report has been filed. Therefore, learned Magistrate has directed investigating officer to investigate in that regard and then submit report. He, therefore, rejected prayer for 'B' Summary.

4. In view of change in circumstance of filing of 'B' Summary report and 'no objection' given by informant for accepting the same, this Court is of the considered view that custodial interrogation of applicants is not necessary in the present case.

5. In the result, application is allowed. In the event of arrest of applicants in connection with Crime No.0248/2020, registered with Akhada-Balapur Police Station, Hingoli, for offences punishable under Sections 307, 324, 504, 506 r/w 34 of the Indian Penal Code, applicants be released on bail on furnishing P.B. and S.B. of Rs.15,000/-, with one surety in the like amount. Applicants shall cooperate in the further investigation as directed by learned Magistrate and shall not tamper prosecution evidence.

(NITIN B. SURYAWANSHI, J.)