

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

909 ANTICIPATORY BAIL APPLICATION NO.1108 OF 2023

MANOJ DILIP WADILE

VERSUS

THE STATE OF MAHARASHTRA AND ANOTHER

...

Advocate for Applicant : Mr. Balasaheb N. Magar

APP for Respondent – State : Mr. V.S. Badakh

...

AND

ANTICIPATORY BAIL APPLICATION NO.1084 OF 2023

NILESH PANDURANG HARAL

VERSUS

THE STATE OF MAHARASHTRA

...

Mr. Amol Shivajirao Sawant, Advocate for Applicant

Mr. V.S. Badakh, APP for Respondent – State

...

AND

ANTICIPATORY BAIL APPLICATION NO.1085 OF 2023

VALMIK MARTAND HARAL

VERSUS

THE STATE OF MAHARASHTRA

...

Mr. Amol Shivajirao Sawant, Advocate for Applicant

Mr. V.S. Badakh, APP for Respondent – State

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CORAM : R. M. JOSHI, J.

DATE : JULY 26, 2023

PER COURT :

. Applicants are apprehending arrest in connection with
Crime No.86 of 2023 registered with Chalisgaon Road Police Station,
Dist. Dhule for the offences punishable under Sections 307, 143, 147,

148, 149, 323, 504, 506 of the Indian Penal Code, Section 4/25 of Indian Arms Act and Section 37 (1)(3), 135 of Maharashtra Police Act.

2. It is contention of informant that an incident occurred on 10.04.2023 at around 12:30 a.m. wherein present applicants and co-accused came to the spot with sticks and swords in their hands. There is allegation against co-accused Nana Salve that he assaulted witness Siddharth with sword. There is further allegation that all these persons caused assault on Siddharth with fists and kick blows.

3. Learned counsel for applicants states that there is a counter report lodged by applicant - Valmik in respect of the same incident. It is submitted that said Valmik has sustained number of fracture injuries in the said incident. According to him, present FIR is by way of counter blast to the said FIR.

4. Learned APP opposed application by contending that not only there is evidence against present applicants showing their presence at the spot, but also applicants have criminal antecedents.

5. FIR indicates that there are no allegations against any accused except accused - Nana Salve about causing of assault on Siddharth. On the other hand, documents placed on record by applicant - Walmik show that he had lodged report in respect of the said incident and in the said incident, he has sustained number of fracture injuries. This fact indicates that this could be a case of over implication of applicants in this crime. In absence of any overt act being committed by applicants, their liberty cannot be denied even though there are other offences registered against them. Hence, the following order:

ORDER

(i) The Applications are allowed in terms of interim relief dated 05.07.2023 in Anticipatory Bail Applications No.1084 of 2023 and 1085 of 2023.

[R. M. JOSHI]
JUDGE

GGP