

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

ANTICIPATORY BAIL APPLICATION NO.1207 OF 2023
WITH APPLN/2859/2023 IN ABA/1207/2023

1. GOKUL NARAYAN MORE
2. SHARAD DINKAR MORE
3. SAINATH DINKAR MORE

VERSUS

THE STATE OF MAHARASHTRA AND ANOTHER

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Advocate for Applicants : Mr. S. E. Shekade

APP for Respondents: Mr. V. S. Badakh

Advocate for informant: Mr. S. R. Shirsat

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CORAM : R.M. JOSHI, J

DATE : AUGUST 03, 2023

PER COURT :

1. When this Court has shows its disinclination to grant relief to Applicants – Gokul and Sharad, learned Counsel for these Applicants, on instructions, seeks withdrawal of the Application.

2. Applicant stands dismissed as withdrawn to the extent of these Applicants.

3. As far as Applicant – Sainath is concerned, perusal of the FIR shows that the allegation made against; him about causing of assault with wooden stick. It is contention of learned Counsel for the Applicant that there are dispute between parties and

hence, over implication cannot be ruled out.

4. Learned APP and learned Counsel for informant opposed the application with contention that there is specific allegation against this Applicant of causing assault on the informant and witnesses with stick.

5. It is apparent from the record that on trifling issue some incident has occurred on 23.06.2023. Perusal of the FIR shows that allegations are made against accused persons of causing assault. Except for the allegation against the present Applicant, the injury certificate corroborates the said allegation made against co-accused. In such circumstances, this Court needs to accept the contention of learned Counsel for the Applicant that this could be a case of over implication.

6. In view of above, liberty of Applicant – Sainath is protected. Hence, the order:

O R D E R

- (i) In the event of arrest the Applicant – Sainath Dinkar More in connection with C.R. No. 125 of 2023 registered with Shirur Police Station, Dist. Beed for the offences punishable under Sections 307, 326, 323, 504, 506, 148, 149, 143, 147 of IPC, 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 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.)

Malani