

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

ANTICIPATORY BAIL APPLICATION NO.1428 OF 2023

WALMIK BHANUDAS RAGDE AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA

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Advocate for Applicants : Mr. S. S. Jadhav h/f Mr. V.
S. Nikalje

APP for Respondents: Mr. G. O. Wattamwar

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CORAM : R.M. JOSHI, J
DATE : OCTOBER 20, 2023

PER COURT :

1. Applicants apprehend arrest in connection with with C.R. No. 150 of 2023 registered with Hasnabad Police Station, Dist. Jalna for the offences punishable under Sections 323, 324, 326, 504, 506, 143, 147, 148, 149 of the Indian Penal Code.

2. FIR indicates that some incident had occurred on 22.05.2023 at around 12.30 am wherein it is alleged that present Applicants caused assault on the informant and witnesses in which they sustained serious injuries.

3. Learned Counsel for the Applicants submits that on the same day in the morning some incident had

occurred in respect of which report is lodged. He further argued that in fact the present informant and witnesses met with an accident and sustained injuries which are not serious. He further submits that owing to the dispute between the parties, false implication cannot be ruled out.

4. Learned APP opposed the application by referring the FIR as well as injury certificate placed on record. It is his submission that one of the Applicant is having criminal antecedents and hence, application is required to be rejected. He also states that weapons are yet to be recovered.

5. Record indicates that Crime No. 149/2023 came to be registered with the same police station on 21.05.2023 which indicates that there is substance in the contention of the Counsel for Applicants that some incident has definitely occurred in the morning on that day. As far as FIR in question, perusal of the investigation papers do not show causing of any grievous injury to the informant and witnesses. Apart from this, there is allegation against Applicants that

four persons caused assault on the informant and only single injury is caused to them. This is inconsistent with the statement made in the FIR. In *prima facie* view of this Court in any case offence punishable under Section 326 of IPC does not get attracted against Applicants.

6. As far as recovery of weapon is concerned, Applicants shall be treated in the custody for the purpose of recovery. Hence, application deserves to be allowed.

7. Hence, the order:

O R D E R

- (i) In the event of arrest the Applicants in connection with with C.R. No. 150 of 2023 registered with Hasnabad Police Station, Dist. Jalna for the offences punishable under Sections 323, 324, 326, 504, 506, 143, 147, 148, 149 of the Indian Penal Code, they shall be released on bail on furnishing PR bond of Rs. 15,000 (Rupees Fifteen Thousand Only) each with one surety in the like amount.
- (iii) They shall attend the concerned police station once in a week till filling of the charge-sheet.
- (iv) They shall not contact the witnesses directly or indirectly.
- (v) They shall not interfere with the evidence in

any manner whatsoever.

(vi) They is further directed to cooperate the
investigating agency for further
investigation.

(R.M. JOSHI, J.)

Malani