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IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

939 ANTICIPATORY BAIL APPLICATION NO. 1668 OF 2023

Vikas Bhimrao Kshirsagar And Others

....Applicants

VERSUS

The State Of Maharashtra

.....Respondent

Mr. A. L. Kanade, Advocate for Applicants

Mr. S. B. Jadhav, APP for the State.

Mr. Prakash Kashid, Advocate holding for Mr Rajesh Mewara, Advocate for respondent No. 2.

WITH

ANTICIPATORY BAIL APPLICATION NO. 1693 OF 2023

Madhukar Vithoba Kashid

.....Applicant

VERSUS

The State Of Maharashtra And Another

.....Respondents

Mr. S. E. Shekade, Advocate for Applicant

Mr. S. B. Jadhav, APP for the State.

Mr. Prakash Kashid, Advocate holding for Mr Rajesh Mewara, Advocate for respondent No. 2.

CORAM : R. M. JOSHI, J.

DATE : 14th DECEMBER, 2023.

PER COURT :

1. When this Court has shown disinclination to grant relief in favour of applicant, learned counsel for applicant in Anticipatory

Bail Application No. 1693/2023, on instructions, seeks withdrawal of the application.

2. Anticipatory Bail Application No. 1693/2023 stands dismissed as withdrawn.

3. Applicants No. 2 and 3 in Anticipatory Bail Application No. 1668/2023 apprehend arrest in connection with Crime No. 0254/2023, registered with Beed Rural Police Station, Dist. Beed, for the offences punishable under Sections 143, 147, 148, 307, 452, 324, 323, 148, 504, 506 of Indian Penal Code and Sections 25, 4 of Arms Act.

4. As per the first informant, the incident occurred on 20th August, 2023 in which he claims that he along with witnesses were assaulted by applicants and co-accused. It is alleged that they attempted to commit murder of witnesses.

5. Learned counsel for applicants submits that there are counter reports in respect of the incident in question. According to him, offence under Section 307 of Indian Penal Code does not get

attracted against applicants owing to the allegations made against them and nature of injuries caused to the injured.

6. Learned counsel for informant as well as learned APP opposed the application by referring to the statements of injured witnesses and the injury certificates. According to them, for the purpose of recovery of weapon involved in this crime, applicants are not entitled for anticipatory bail.

7. Perusal of investigation papers shows that the injury attributable to applicant No. 2 is simple injury. Injured Dinesh is already discharged from hospital as such in all probabilities offence alleged against him may not travel beyond Section 323 of Indian Penal Code. With regard to applicant No. 2, no allegation is there against him of using any weapon hence no recovery is required to be done from him. Considering the fact that counter reports are lodged in respect of said incident, possibility of over implication exists. In view of this, application is allowed. Applicant No. 2 be treated in custody of police for the purpose of recovery of weapon if any. Hence, the following order :-

ORDER

(i) In the event of arrest of applicant No. 3 Bhaiya @ Ashok s/o Arjun Kshirsagar in Anticipatory Bail Application No. 1668/2023 in connection with Crime No. 0254/2023, registered with Beed Rural Police Station, Beed, Dist. Beed, for the offences punishable under Sections 143, 147, 148, 307, 452, 324, 323, 149, 504, 506 of the Indian Penal Code and Sections 25, 4 of Arms Act, he be released on bail on furnishing PR Bond of Rs. 15,000/- (Rs. Fifteen Thousand only) with one surety in the like amount.

(ii) He shall attend the concerned police station once in a week.

(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.

(vi) Application is allowed in terms of interim order qua applicant No. 2 Dipak s/o Arjun Kshirsagar.

(vi) Learned APP to communicate this order to the concerned police station.

(R. M. JOSHI)
Judge

dyb