

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

ANTICIPATORY BAIL APPLICATION NO. 1706 OF 2023

1. Ujjwal Laxman Andhale
 2. Sagar s/o Bhaskar Chande
- Applicants
- Versus

The State of Maharashtra

Respondent

Mr. D. S. Ingole, Advocate holding for Mr. N. S. Ghanekar, Advocate
for the applicants.

Mr. M. K. Goyanka, APP for the State.

CORAM : R. M. JOSHI, J.

DATE : 6th DECEMBER, 2023.

PER COURT :

1. At the outset, learned counsel for the applicants seeks
leave to file copy of charge-sheet on record.
2. Leave granted.
3. Applicants apprehend arrest in connection with Crime
No. 0197/2023 registered with Ashwi Police Station, Tq. Sangamner,
Dist. Ahmednagar for the offences punishable under Sections 307,

452, 324, 323, 143, 147, 148, 149, 504, 506 of Indian Penal Code and Sections 4, 24 of Indian Arms Act.

4. Ashok Jarhad lodged report with police about the incident occurred on 21st August, 2023 at 10.30 pm. According to him, co-accused Bunty came along with other accused persons as well as 5 to 6 persons who had covered their faces. There is allegation against Bunty, Lakhan and Vijay of causing assault on the informant. It is also alleged that all these persons had tried to drown him by pushing him in the well.

5. Learned counsel for applicants submits that applicants are not named in the First Information Report nor any over act seems to have been alleged against them. He submits that charge-sheet has been filed and hence custodial interrogation of the applicants is not necessary. He further claims that there is no criminal history against the applicants.

6. Learned APP opposed the application by relying upon the statement of informant as well as statement of Sandip who is said to be eye-witness of the incident. According to him, this witness names

presence of applicants and hence, applicants are not entitled to any relief.

7. First Information Report simply states about overt act committed by accused persons. Nothing is mentioned in the report about any overt act being committed by anyone else except those who are named therein. Eye-witness Sandip though named present applicants however, he does not allege any specific overt act against them. Applicants have no criminal antecedents. Having regard to the aforestated facts, liberty of the applicants deserves to be protected. Hence, the following order :-

ORDER

(i) Application is allowed.

(ii) In the event of arrest of applicants in connection with Crime No. 0197/2023, registered with Ashwi Police Station, Tq. Sangamner, District Ahmednagar, for the offences punishable under Sections 307, 452, 324, 323, 143, 147, 148, 149, 504, 506 of the Indian Penal Code and Sections 4, 24 of Indian Arms Act, they be released on bail on furnishing PR Bond of Rs. 15,000/- (Rs. Fifteen Thousand only) each with one surety each in the like amount.

(iii) They shall attend the concerned police station once in a week.

(iv) They shall not contact the witnesses directly or indirectly.

(v) They shall not interfere with the evidence in any manner whatsoever.

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

(R. M. JOSHI)
Judge

dwb