

ANTICIPATORY BAIL APPLICATION NO.1659 OF 2022

Versus

Mr. Ameya Sabnis h/f. Mr. E.S. Murge, Advocate for applicants.
Mr. S.W. Munde, APP for respondents.

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DATE : 2nd FEBRUARY, 2023

ORDER :

1. Applicants apprehend arrest in Crime No. 402/2022, registered with Tuljapur Police Station, Osmanabad, for offence punishable under sections 143, 147, 148, 149, 324, 326, 504 and 506 of the Indian Penal Code.
2. FIR is lodged by Piyush Kadam alleging that on 10.11.2022 at about 10.30 am, when he was proceeding towards his shop, he came in front of the house of one Ashok Kadam. At that time, Ashok came out and asked him as to why he is pelting stones at his house. He then started abusing and manhandling the informant. When the informant tried to pacify him, he started quarreling with him by raising his voice. He

called his family members from the house. Thereafter, his family members namely Jay Kadam, Vinod Kadam, Atul Kadam, Shubham Kadam, Saurabh Kadam, Ranjana Kadam and Maya Kadam came out of the house. Vinod had brought rod. He pushed the informant and gave a blow of rod on the head of informant. Jay, Atul, Shubham, Deepak and Saurabh fell him down and gave him fists and kick blows. His cousin Shambhu tried to intervene. At that time, Atul went in the home, brought a glass bottle and hit Shambhu on head. Ranjana and Maya assaulted both of them with slaps and fists. All the accused persons abused and assaulted the informant.

3. Heard the learned advocate for the applicant and learned Additional Public Prosecutor for respondents. Perused the investigation papers.

4. The injury certificates of informant and his brother support the allegations in the FIR. There are corresponding injuries on the persons of injured which are attributable to the applicants. The investigation is at initial stage. The weapons are yet to be recovered. As per the report submitted by investigation officer, none of the accused persons are yet arrested.

Learned advocate for the applicants submits that all other accused persons are already released on anticipatory bail. He has pointed out a certified copy of order passed by Additional Sessions Judge, Osmanabad in Anticipatory Bail Application No. 595/2022, dated 30.11.2022.

5. Be that as it may, taking into consideration serious allegations against the applicants and the fact that weapons are yet to be recovered and that the applicants have assaulted the injured with iron rod and glass bottle, I am not inclined to grant discretionary relief of anticipatory bail to the applicants. Custody of the applicants is necessary for effective investigation. In the result, application is rejected.

[NITIN B. SURYAWANSHI, J.]