

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

ANTICIPATORY BAIL APPLICATION NO.1662 OF 2022

Vishwajeet Aravind Navgire And Others ...Applicants

Versus

The State Of Maharashtra And Another ...Respondents

Mr. Mayur Salunke, Advocate for applicants.

Mr. A.V. Deshmukh, APP for respondents.

Mr. S.B. Choudhari, Advocate for informant/Assist to PP.

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[CORAM : NITIN B. SURYAWANSHI, J.]

DATE : 13th FEBRUARY, 2023

ORDER :

1. After arguing at length on merits, when this Court was not inclined to grant relief, learned advocate for applicants seeks permission to withdraw the application of applicant No. 1. Permission granted. Application of Applicant No. 1- Vishwajeet Navgire, is dismissed as withdrawn.

2. Applicants apprehend arrest in Crime No. 398/2022, registered with Tuljapur Police Station, Osmanbad, for offence under section 307, 324, 143, 147, 148, 149, 504 and 506 of the Indian Penal Code.

3. FIR is lodged by Sambhaji Kapse stating that on 06.11.2022, at about 9.00 am, he and Pandurang Jadhav were assaulted by Vishwajeet with chopper, Jyotiram with sword, Santosh with stick and other accused persons with fists and kick blows, on the ground that they were trying to create way on the basis of order passed in favour of informant.

4. Heard the learned advocate for the applicants, learned Additional Public Prosecutor for respondents and learned advocate for informant. Perused the investigation papers.

5. Name of the present applicants is taken by some of the eye witnesses stating that these applicants have assaulted with fists and kick blows. Injury certificates indicate that informant, Pandurang Jadhav and Pandurang Nagmode have received injuries. Pandurang Nagmode has suffered contusion on back. Pandurang Jadhav has suffered CLW on mid parietal area of skull 8x3x1 cm, both are stated to be simple injuries. Informant has suffered abrasion 6x2x1 cm on left temporal area by sharp cutting object, which is simple injury. Except that there are no injuries seen on the person of injured or informant.

6. The allegations of prosecution that other persons including present applicants assaulted with fists and kick blows is not corroborated by medical certificates.

7. Fact remains that, applicant- Ashok Navgire has lodged FIR against four persons from informant's side which is registered at Crime No. 397/2022, registered with Tuljapur Police Station, Osmanabad, under sections 143, 147, 149, 323, 504, 506 of the Indian Penal Code. It appears that applicant's side has suffered simple injuries in the same incident.

8. Applicants were granted interim protection and were directed to attend the concerned police station. They have attended the police station and have co-operated in the investigation. Nothing is to be recovered from the applicant. Pre-trial custodial detention of the applicants in the facts of the present case is not necessary.

9. In the result, application is allowed.

10. In the event of arrest of applicants in connection with Crime No. 398/2022, registered with Tuljapur Police Station,

Osmanbad, under section 307, 324, 143, 147, 148, 149, 504 and 506 of the Indian Penal Code, applicants shall be released on executing personal bond of Rs. 15,000/- each, with one surety in the like amount.

11. Till filing of charge sheet, applicants shall attend the concerned police station as and when called by the investigation officer. Applicants shall not tamper the prosecution evidence.

[NITIN B. SURYAWANSHI, J.]