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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL BAIL APPLICATION NO.263 OF 2023**

1. Vijay Pandurang Kakade ...
2. Hanumant Pandurang Kakade ... Applicants

Vs.

State of Maharashtra ... Respondent

Mr. Anant Vadgaonkar with Mr. Chandrashekhar S. Patil for the Applicants.

Mr. H. J. Dedhia APP for the Respondent-State.

CORAM : S. M. MODAK, J.

DATED : 27TH FEBRUARY 2023

PC:-

1. Heard learned Advocate Mr. Vadgaonkar for the Applicant and learned APP Mr. Dedhia for the Respondent-State.

2. Both the Applicants are arrested in C.R. No.414 of 2022 registered with Lonand police station on 20th December 2022. There is allegation that both these Applicants assaulted the first informant on 19th December 2022, at about 9.45 pm at village Phaltan.

3. It is submitted that the charge-sheet will be filed before the trial Court in due course. In view of that learned Advocate seeks liberty to withdraw the Application of Applicant No.1-Vijay Pandurang Kakade. On the basis of completion of investigation and on filing the charge-

sheet, Applicant No.1-Vijay Pandurang Kakade is at liberty to approach the trial Court and the trial Court to decide his application on the basis of material available before it. It is made clear that this Court has not made any observations so far as Applicant No.1-Vijay Kakade is concerned. Hence, present Application is considered only for Applicant No.2-Hanumant Pandurang Kakade.

4. It is true that there is allegation of beating with fist blows by present Applicant No.2-Hanumant Pandurang Kakade. Apart from this FIR, there is also cross FIR filed by Applicant No.2-Hanumant Kakade being C.R. No.411 of 2022, under section 324 read with 34 of IPC with the same police station. Its copy is placed on record. It is stated therein that the incident took place at 8.30 am. There is no recovery at the instance of present Applicant No.2-Hanumant Kakade. The injured is also discharged from the hospital and even it is contended that in respect of another offence he has appeared before the Sessions Court, Satara vide Criminal Bail Application No.15 of 2023.

5. Considering the above facts, the case of Applicant No.2-Hanumant Kakade needs to be considered.

6. In view of above the following order is passed :

- (a) Applicant No.2-Hanumant Pandurang Kakade be released on furnishing personal bond and surety bond of Rs.15,000/-. The bail be furnished before the trial Court.
- (b) Applicant No.2-Hanumant Pandurang Kakade is directed not to threaten prosecution witnesses and give attendance to Lonand police station on the first Monday from 10 am to 12

noon for three months.

- (c) Application of Applicant No.1-Vijay Pandurang Kakade is disposed of as withdraw with liberty to approach the Sessions Court.

7. Application is disposed of in the aforesaid terms.

(S. M. MODAK, J.)