



IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

ANTICIPATORY BAIL APPLICATION NO. 10 OF 2024

Dnyaneshwar Digambar Pungale

....Applicant

VERSUS

The State Of Maharashtra And Another

.....Respondents

AND

ANTICIPATORY BAIL APPLICATION NO. 1830 OF 2023

Rameshwar Digambar Pungale And Others

.....Applicants

VERSUS

The State Of Maharashtra

.....Respondent

.....

Mr. S.G. Kawade, Advocate for applicants.

Mrs. S.S. Joshi, APP for State.

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[CORAM : NITIN B. SURYAWANSHI, J.]

DATE : 28th MARCH, 2024

ORDER :

1. Applicants apprehend arrest in C.R. No. 258/2023, registered with Hasnabad Police Station, Dist. Jalna, for offences punishable under sections 307, 336, 427, 504, 506 r/w 34 of Indian Penal Code.

2. FIR is lodged by Jaswantsingh Onkarsing Shekhawat alleging that when he was sitting in the shop of his cousin brother, applicants came there and pelted stones. Thereafter,

Bhagyawant Punde

Dnyaneshwar Pungale assaulted him by tile on head.

3. Heard learned advocate for applicants and learned APP for State. Perused the investigation papers.

4. After arguing at length on merits, when this Court was not inclined to grant relief to applicant- Dnyaneshwar Digambar Pungale, learned advocate for applicants on instructions seeks permission to withdraw Anticipatory Bail Application No. 10/2024. Permission granted. Anticipatory Bail Application No. 10/2024 is dismissed as withdrawn.

5. Perusal of FIR and investigation papers show that general allegations are levelled against applicants- Rameshwar Pungale, Sopan Pungale and Ganesh Pungale. Applicants claim that applicant Rameshwar Pungale was at Pune at the time of incident. Investigating officer has confirmed this fact. Injury certificate of informant shows that the injuries suffered by him are attributable to applicant Dnyaneshwar Pungale. There is no injury certificate of eye witness Himmatsing Shekhawat. Therefore, *prima facie*, over implication of applicants in the present crime cannot be ruled out at this stage. Rameshwar Pungale and Sopan Pungale are appearing for competitive

examinations and if arrested their future will be marred.

6. Considering the allegations against applicants, nothing is to be recovered from them. They were granted interim protection and they have co-operated in the investigation. Offence is registered on 02.09.2023 and investigation appears to be almost complete. Applicants pre-trial custodial detention is therefore not necessary.

7. In the result, Criminal Application No. 1830/2023 is allowed by confirming interim protection order dated 3rd November, 2023.

8. Till filing of charge sheet, applicants shall attend the concerned police station as and when called by investigating officer and shall co-operate in the investigation. Applicants shall not tamper the prosecution evidence.

[NITIN B. SURYAWANSHI, J.]