



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

ANTICIPATORY BAIL APPLICATION NO. 57 OF 2024

ARCHANA RAJENDRA SADGURE AND ANOTHER
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER

...
Mr. Sudarshan J. Salunke, Advocate for Applicants
Mr. A.R. Kale, APP for Respondents/State
Mr. Pathan Sartaj Khan H., Advocate for Informant
...

CORAM : NITIN B. SURYAWANSHI, J.

DATE : 08th MARCH, 2024

PER COURT :

1. Applicants apprehend arrest in C.R. No. 939/2023, registered with Sadar Bazar Police Station, Jalna, for offence punishable under Sections 307, 324, 323 r/w 34 of the Indian Penal Code.

2. FIR is lodged by Shailendra Pralhad Sadgure, alleging that, on 09/11/2023 informant along with his mother had been to their old house at Gopikishan Nagar, then they returned to their house at Sorti Nagar, Jalna. However, informant had left his important files at Gopikishan Nagar, therefore, he went there at 08:30 p.m. Elder brother of informant namely Rajendra resides near old house of informant at Gopikishan Nagar. When informant reached there, all accused persons were standing there. Rajendra asked him reason about his presence and threatened to kill him. At that time, Rajendra and his son gave blow of wooden stick to

informant, informant fell down and Archana and Shubhangi slapped and gave fist blows to him. When informant tried to run, Rajendra gave blow of one sharp weapon at the middle of his head, due to which informant sustained injury. Therefore, informant went to police station from where he was referred for medical.

3. Heard learned advocate for applicants, learned advocate for informant and learned APP for respondents/State. Perused the investigation papers.

4. Role attributed to applicants in the FIR is that they were present at the time of incident when accused Rajendra assaulted informant with sharp edged weapon on the head of informant. Both applicants allegedly gave slaps and fist blows to informant.

5. Learned advocate for informant submits that in supplementary statement informant has stated that applicant No.1 had given sword to accused Rajendra which is used in assault. Said supplementary statement is recorded after more than 12 days of alleged incident, no such allegations are made in the FIR by informant who is injured in the crime.

6. Perusal of statement of witnesses indicates that applicants along with Rajendra were following informant at the time of incident. Offence is registered on 10/11/2023 and investigation is almost over. Admittedly, there is civil suit pending between

informant's family and applicants' family. In that view of the matter possibility of false implication of applicants in present crime cannot be ruled out at this stage. Nothing is to be recovered from applicants, hence, their custodial interrogation is not necessary.

7. In the result, application is allowed.

8. In the event of arrest of applicants in connection with C.R. No. 939/2023, registered with Sadar Bazar Police Station, Jalna, for offence punishable under Sections 307, 324, 323 r/w 34 of the Indian Penal Code, applicants be released on executing P.B. and S.B. of Rs.15,000/- each, with one surety in the like amount.

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

(NITIN B. SURYAWANSHI, J.)