



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

ANTICIPATORY BAIL APPLICATION NO. 73 OF 2024

1. Ashok S/o Vidyanand Panchal
2. Shankar S/o Ashok Panchal
3. Anil S/o Ashok Panchal ... Applicants

VERSUS

The State Of Maharashtra
And Another ... Respondents

.....
Mr. S.B. Bhapkar, Advocate for Applicants
Mr. S.R. Yadav Lonikar, APP for Respondents – State
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[CORAM : NITIN B. SURYAWANSHI, J.]

DATE : 01st APRIL, 2024

ORDER :

1. Applicants apprehend arrest in Crime No. 270 of 2023 registered with Hadgaon Police Station, District-Nanded for offence punishable under sections 307, 323, 504 read with section 34 of the Indian Penal Code.

2. FIR is lodged by Vilas Vitthalrao Suryawanshi from the Hospital alleging that he was spraying water on his wall, at that time, Ashok and his elder son Shankar came there and started abusing saying that the water is coming on their tin. They assaulted him with slaps and fists. At that time, his uncle Bapurao Suryawanshi, Sambhaji Suryawanshi and neighbours and other villagers tried to intervene. At that time, Ashok's

younger son Anil came there with a chopper and gave its blow on informant's head, he tried to save himself, but the blow landed on his neck. Due to the said blow, he got injured and fell down and become unconscious. When regained consciousness, he was in Civil Hospital, Hadgaon and injuries on his neck and thumb were sutured.

3. Heard learned advocate for applicant and learned APP for respondents-State. Perused the investigation papers

4. Applicant no.1 has lodged cross FIR at C.R. No.262 of 2023 against informant, Bapurao Suryawanshi, Sambhaji Suryawanshi, Laxman Suryawanshi and Kailas Suryawanshi alleging that on 17.11.2023, accused Bapurao assaulted with *Katti* to Anil Panchal (applicant no.3). Kailas assaulted informant (applicant no.1) with *katti* on his left thigh and foot. Other accused persons assaulted with stick to applicant Nos.1 and 3.

5. After perusal of investigation papers, this Court showed disinclination to grant prayer of applicant Anil. Faced with this situation, learned advocated for applicant, on instructions, seeks permission to withdraw the application of applicant no.3 Anil Panchal. Permission granted. Application of applicant no.3 Anil Panchal is dismissed as withdrawn.

6. There appears substance in the contention of applicant that applicant no.1 Ashok and applicant No.3 Anil both have suffered injuries in the incident, which are mentioned in the FIR lodged by applicant no.1 Ashok. It appears that there was a scuffle between applicants and informant. However, no assault of weapons is alleged against accused Ashok and Shankar. The medical papers show that informant has suffered incised wound on neck and on right thumb. In this view of the matter, *prima facie*, over implication of applicants in the present crime cannot be ruled out. Facts remains that applicant no.1 and Anil are also injured in the incident.

7. In the facts of the present case, nothing is to be recovered from applicants. Hence, their pre-trial custodial detention is not necessary.

8. Application is therefore allowed. In the event of arrest of applicants Ashok S/o Vidyanand Panchal and Shankar S/o Ashok Panchal in connection with Crime No. 270 of 2023 registered with Hadgaon Police Station, District-Nanded for offence punishable under sections 307, 323, 504 read with section 34 of the Indian Penal Code, they be released on bail on executing Personal Bond and Surety Bond of Rs.15,000/-

each with one surety each in the like amount. Applicant shall not tamper with the prosecution evidence.

9. Applicants to attend the concerned police station everyday from 05.04.2024 to 13.04.2024 between 10.00 a.m. to 12.00 noon and, thereafter till filing of charge-sheet, as and when called by the Investigating Officer and shall co-operate in the investigation. Applicants shall not tamper with the prosecution evidence.

[NITIN B. SURYAWANSHI]
JUDGE