



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

ANTICIPATORY BAIL APPLICATION NO. 118 OF 2024

Abhijit @ Lakhan S/o Abasaheb
@ Sahebrao Madane

... Applicant

VERSUS

The State Of Maharashtra
And Another

... Respondents

.....
Mr. Manoj R. Khutwad, Advocate for Applicant
Ms. P.V. Diggikar, APP for Respondents – State
.....

[CORAM : NITIN B. SURYAWANSHI, J.]

DATE : 01st APRIL, 2024

ORDER :

1. Applicant apprehends arrest in Crime No. 197 of 2023 registered with Ashwi (Bk.) Police Station, District-Ahmednagar for offence punishable under sections 143, 147, 148, 307, 452, 324, 323, 149, 504, 506 of the Indian Penal Code and under sections 4 and 25 of the Arms Act.

2. FIR is lodged by Ashok Govind Jarhad alleging that on 21.08.2023, his nephew Anil Baban Jarhad had lodged FIR against Bunty Sahebrao Madne, which was registered at C.R. No.195/2023 for offences punishable under sections 327, 323, 504, 506 of the Indian Penal Code. On the same day, at about 10.30 p.m., somebody rang the bell of his house. When asked,

Bunty Madne answered that he wanted to apologies for the incident which took place in morning. Informant told him that as it is too late in the night, we will see the matter tomorrow morning. At that time, Bunty Madne, Lakhan Madne (applicant), Vijay Khemnar kicked the door and opened it, 5-6 persons, who had covered their face were accompanying them. Applicant Lakhan was carrying chopper and and Bunty was carrying a sword with which he assaulted informant on right hand and right side of stomach. Vijay Khemnar was carrying iron rod and 5-6 unknown persons were carrying sticks. All the accused persons tried to drag informant towards a well and tried to push him in the well.

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

4. Charge-sheet in the present crime is filed on 17.11.2023. Accused Bunty Madne, who happens to be brother of applicant is arrested, so also accused Wasim Rashid Shaikh and Sahil @ Ramzan Shabbir Shaikh. Other co-accused nos.6 and 8 are granted anticipatory bail. Chopper allegedly carried by applicant was seized, so also steel pipe and wooden log.

5. There are no criminal antecedents against applicant. No specific overt act of assault is attributed to applicant. Since charge-sheet is filed and nothing is to be recovered from the applicant, his pre-trial custodial detention is not necessary.

6. Application is therefore allowed. In the event of arrest of applicant Abhijit @ Lakhan S/o Abasaheb @ Sahebrao Madane in connection with Crime No. 197 of 2023 registered with Ashwi (Bk.) Police Station, District-Ahmednagar for offence punishable under sections 143, 147, 148, 307, 452, 324, 323, 149, 504, 506 of the Indian Penal Code and under sections 4 and 25 of the Arms Act, he be released on bail on executing Personal Bond and Surety Bond of Rs.15,000/- with one surety in the like amount. Applicant shall not tamper with the prosecution evidence.

[NITIN B. SURYAWANSHI]
JUDGE