



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

946 ANTICIPATORY BAIL APPLICATION NO. 156 OF 2024

Shivaji Maroti Kondewad

VERSUS

The State Of Maharashtra and another

...

Advocate for Applicant : Mr. Bharat N. Gadegaonkar

APP for Respondents: Mr. P.K. Lakhotiya

.....

CORAM : SHIVKUMAR DIGE, J.
DATED : 19th JULY, 2024.

PER COURT :-

1. The applicant apprehends arrest in connection with crime No.21 of 2024 registered with Umri Police Station, district Nanded, for the offences punishable under Sections 326, 325, 323, 504, 506 read with 34 of the Indian Penal Code.

2. It is the prosecution's case that the informant Ramji Nagdarwad has reported to the police that on 9.1.2024 at about 9.00 p.m. when he was going on motorcycle with his cousin towards his field, at that time the applicant was coming from opposite direction on the same road. There was quarrel between the applicant and the informant on the ground of giving side. It is alleged that on 10.1.2024 at around 7.00 a.m. when the informant was present in his field the applicant alongwith co-accused came there due to quarrel on earlier

night and assaulted the informant. It is alleged that co-accused Pintu assaulted on the left hand of the informant and caused fracture to his hand whereas the applicant assaulted the informant with fist and kick blows.

3. It is the contention of the learned counsel for the applicant that the applicant has been falsely implicated in this case. Co-accused Pintu has been released on regular bail by the trial court. The allegations against the applicant are that he assaulted the informant with fist and kick blows. Considering the allegations against the applicant, his custodial interrogation is not required. Hence he requested to allow the application.

4. It is the contention of the learned APP that the applicant had brought the co-accused at the field of the informant due to the earlier quarrel. The applicant is the main reason of the said quarrel. Co-accused has fractured the left hand of the informant. As the applicant is the main reason of the said quarrel, his custodial interrogation is required. Hence he requested to reject the application.

5. I have heard both the learned counsel. Perused the F.I.R. and the police papers produced on record. The allegations against the

applicant are that he assaulted the informant with fist and kick blows. The main allegations are against co-accused Pintu, who has been released on regular bail by the trial court. Considering the allegations against the applicant, his custodial interrogation is not required. Hence I pass the following order :-

ORDER

- (i) The application is allowed.

- (ii) The interim anticipatory bail granted to the applicant vide order dated 30.01.2024 stands confirmed on the same terms and conditions with following modification:-
 - (a) the applicant shall attend the concerned police station as and when required by the Investigating Officer.

(SHIVKUMAR DIGE, J.)

rlj/