



IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
BENCH AT AURANGABAD.

46 ANTICIPATORY BAIL APPLICATION NO. 212 OF 2024

RAJ KAILAS RAJPUT

VERSUS

THE STATE OF MAHARASHTRA AND ANOTHER

...

Advocate for Applicant : Mr. Yogesh B. Bolkar h/f Mr.Salunke Parth
Surendra

APP for Respondent/State : Mr.P.P. Dawalkar

...

CORAM : **SHIVKUMAR DIGE, J.**

DATE : 18th September, 2024.

P.C.:

1. The applicant apprehends arrest in connection with FIR No.133 of 2023 registered with Thalner Police Station, Tq. Shirpur, Dist.Dhule, for the offences punishable under sections 307, 324, 323, 354, 427, 143, 147, 148, 149, 504, 506 of the Indian Penal Code (For short, "IPC") and sections 4 and 25 of the Arms Act, 1959.

2. It is prosecution's case that informant Mahendra and Samadhan are brothers. On 9th September, 2023 at about 7:00 p.m. at Ajande Bus Stand, there was dispute in between Samadhan and co-accused Chintu. At about 7: 15 p.m., the applicant and co-accused came at the house of the informant Mahendra. It is alleged that the applicant inflicted the blow of sword on the head of Samadhan. The co-accused assaulted informant, his brother Samadhan and his father Pratap by sticks. They also beaten and torn the blouse of mother of informant. The people in the locality rescued them. Informant, his brother and

father were taken to Cottage hospital, Shirpur. Thereafter, the informant lodged the complaint.

3. It is contention of the learned counsel for the applicant that the applicant has been falsely implicated in this case. The injured has sustained simple injuries. Considering the allegations against the applicant, his custodial interrogation is not required and requested to allow the application.

4. It is the contention of the learned APP that the applicant along with co-accused assaulted the informant, his brother and father with sword with an intention to kill them. The applicant has assaulted the informant's brother with sword. Due to said attack, the informant's brother has sustained injuries. Considering the allegations against the applicant, his custodial interrogation is required and requested to reject the application.

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

6. The allegations against the applicant are that he assaulted the informant's brother with sword. Injury certificate shows that the informant's brother has sustained the simple injuries. Considering these facts, the custodial interrogation of the applicant is not required and I pass the following order :-

ORDER

(i) The application is allowed.

(ii) In the event of arrest of the applicant in connection with FIR No.133 of 2023 registered with Thalner Police Station, Tq. Shirpur, Dist.Dhule, for the offences punishable under sections 307, 324, 323, 354, 427, 143, 147, 148, 149, 504, 506 of the Indian Penal Code and sections 4 and 25 of the Arms Act, 1959, the applicant be released on executing personal bond in the sum of Rs.25,000/- with one surety of the like amount, on the following conditions :-

(a) the applicant shall attend the concerned police station as and when required by the Investigating Officer.

[SHIVKUMAR DIGE, J.]

sga