



IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

ANTICIPATORY BAIL APPLICATION NO. 229 OF 2024

Bharat Vilas Gaikwad

....Applicant

VERSUS

The State Of Maharashtra And Another

.....Respondents

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Dr. R.R. Deshpande, Advocate a/w. Ms. Pallavi Bidwai h/f. Ms. Priyanka R Deshpande, Advocate for Applicant.

Mr. N.B. Patil, APP for Respondents.

Mr. S.J. Salgare, Advocate for informant.

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[CORAM : NITIN B. SURYAWANSHI, J.]

DATE : 08th MARCH, 2024

ORDER :

1. Applicant apprehends arrest in C.R. No. 608 of 2023, registered with Omerga Police Station, Dist. Dharashiv, for offences punishable under sections 307, 326, 452, 323, 504, 506, 143, 147, 148, 149 of Indian Penal Code and under section 125 of Maharashtra Police Act.

2. FIR is lodged by Pran alias Khandu Kale, a tailor by profession, alleging that on 12.11.2023, when he was working at shop, eight accused persons namely 1. Kakasaheb Gaikwad, 2. Lakhan Gaikwad, 3. Rohan alias Rohit Raju Gaikwad, 4. Prakash Gaikwad, 5. Bharat Gaikwad (applicant), 6. Raju Gaikwad, 7.

Bhagyawant Punde

Bhairuba Fukte and 8. Sham Gaikwad, came there and asked him as to why he has asked his brother Sharad to lodge case against them and assaulted him with katti, rod and sticks.

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

4. FIR is lodged against eight accused persons. Out of them, accused No. 2, 3, 4, 6, 7 and 8 were arrested. Applicant is shown as accused No. 5. Allegation against applicant is that he has assaulted informant with stick on back. Injury certificate does not show any corresponding injury on the back of informant. Weapons i.e. four sticks and iron rod are recovered by investigating officer.

5. Learned advocate for informant strenuously submits that since sections 143, 147, 148, 149 is applied in the present crime, applicant is liable for the act done by each of the member of unlawful assembly.

6. At this stage, said argument is of no help to the informant as this Court is considering the case of discretionary relief of anticipatory bail for which criteria's are well settled.

Bhagyawant Punde

7. Applicant is permanent resident of Madaj, Taluka-Omerga, District- Osmanabad and has deep roots in the society. He is not likely to abscond if released on bail. He has no criminal antecedent and nothing is to be recovered from him. Pre-trial custodial detention of applicant is therefore not necessary.

8. In the result, application is allowed by confirming interim protection order dated 15th February, 2024.

9. Applicant shall attend the concerned police station on 11th March, 2024 to 15th March, 2024, everyday, between 10.00 am to 12.00 noon and shall co-operate in the investigation.

10. Till filing of charge sheet, applicant shall attend the concerned police station as and when called by investigating officer. Applicant shall not tamper the prosecution evidence.

[NITIN B. SURYAWANSHI, J.]