



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

949 ANTICIPATORY BAIL APPLICATION NO. 242 OF 2024

- 1) Abhi Ankush Lahure
 - 2) Sunil @ Ajitkumar Annasaheb Tike
 - 3) Mahesh Krushna Gaikwad
 - 4) Mayur Ashok Gunjal
 - 5) Vinod Kadubal Lone
- ...Applicants

versus

- 1) The State of Maharashtra
 - 2) The Superintendent of Police,
Chhatrapati Sambhajinagar
- ...Respondents

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Advocate for Applicant : Mr. Aashish T. Jadhavar

APP for Respondents: Mr. S.P. Sonpawale

Advocate to assist the A.P.P. : Mr. Rohit Patwardhan h/f Mr.
Satej S. Jadhav

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CORAM : SHIVKUMAR DIGE, J.
DATED : 25th JUNE, 2024.

PER COURT :-

1. The applicants apprehend arrest in connection with crime No. 27 of 2024 registered with Gangapur Police Station, district Chhatrapati Sambhajinagar, for the offences punishable under sections 307, 324, 143, 147, 148, 149 of the Indian Penal Code.

2. It is the prosecution's case that 15.1.2024 when the informant and his brother were working in their field, at around 11.30 a.m. some

people came there on motor cycle with wooden sticks and sickle in their hands. They asked the informant and his brother why they kill the cows and on that ground they started assaulting the informant and his brother. They assaulted on the informant's legs and hands with wooden stick whereas they assaulted the informant's brother Nisar with sickle on his head and shoulder. Due to the assault, the informant and his brother Nisar ran away. The other persons chased them. After some time, the applicants went away from the field of the informant. The informant and his brother Nisar were admitted in the hospital and on their complaint offence was registered against the applicants.

3. It is the contention of the learned counsel for the applicants that in the F.I.R. name of Shrikant Navandar was mentioned as accused but in police investigation it was found that he was not present at the spot of incident. Even the police have not mentioned his name in the charge sheet. It shows that the names of the applicants have been falsely implicated in this case. Learned counsel further submitted that the injuries sustained to the informant and his brother are simple in nature. The charge sheet against all the applicants has been filed. The custodial interrogation of the applicants is not required. Hence he requested to allow the application.

4. It is the contention of the learned APP assisted by learned counsel Mr. Patwardhan h/f Mr. Satej S. Jadhav, learned counsel, that the applicants assaulted the informant and his brother with wooden sticks and sickle by going to their field with intention to kill them. Though all the injuries are simple, the applicants had intention to kill the informant and his brother. The custodial interrogation of the applicants is required to recover the weapons used in the offence. Hence he requested to reject the application.

5. I have heard all the learned counsel. Perused the F.I.R. and the police papers produced on record. In the F.I.R. name of Shrikant Navandar is mentioned as accused but the police has not charge sheeted him. The injury certificates of the informant and his brother produced on record show that the nature of injuries are simple. The police have completed the investigation and the charge sheet have been filed against the applicants. Hence, the custodial interrogation of the applicants is not required and I pass the following order :-

ORDER

- (i) The application is allowed.
- (ii) In the event of arrest of the applicants in connection with crime No. 27 of 2024 registered with Gangapur Police Station, district

Chhatrapati Sambhajnagar, for the offences punishable under sections 307, 324, 143, 147, 148, 149 of the Indian Penal Code, the applicants be released on executing personal bond in the sum of Rs.15,000/- each with one surety of the like amount by each of them, on the following conditions :-

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

(SHIVKUMAR DIGE, J.)

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