



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

ANTICIPATORY BAIL APPLICATION NO. 324 OF 2024

SACHIN MAHADEO ANBHULE
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER

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ANTICIPATORY BAIL APPLICATION NO.325 OF 2024

SHARAD SAMBHAJI NIMBALKAR
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER

...
Mr. Shashikant E. Shekade, Advocate for Applicant
Mr. A.R. Kale, APP for Respondents/State
Mr. Shailendra S. Gangakhedkar, Advocate for Informant

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CORAM : NITIN B. SURYAWANSHI, J.
DATE : 03rd APRIL, 2024

PER COURT :

1. Applicants apprehend arrest in C.R. No.357/2023, registered with Mirajgaon Police Station, Dist. Ahmednagar, for offence punishable under Sections 324, 323, 504, 506 r/w 34 of the Indian Penal Code.
2. FIR is lodged by Sanjay Ashok Anbhule on 01/12/2023 while he was in the hospital, stating that on 25/11/2023 at 11:30 Hours, when he was returning to his home after dropping his mother and wife in agricultural field, his vehicle broke down at Seena river's bed near Nimbalkar Vasti. He was trying to start the vehicle. At that time, sand was being filled in one Tipper. People filling the sand in Tipper got an impression that informant is keeping watch on them

and he is taking their photographs. Therefore, three to four persons rushed towards informant carrying wooden log and abused him. Out of them, Sachin Anbhule was carrying iron rod. Three accused persons assaulted informant with sticks on his back, thigh and legs. Sachin Anbhule gave blow of iron rod on his head. At that time, Anil Baban Anbhule, Dadasaheb Siddheshwar Anbhule and Sachit Kashinath Anbhule intervened in the quarrel and separated informant from accused.

3. Heard learned advocate for applicants, learned APP for respondents/State and learned advocate for informant. Perused the investigation papers.

4. After arguing the matter at length on merits, when this Court was not inclined to grant relief to applicant Sachin Mahadeo Anbhule, learned advocate for applicant, on instructions, seeks permission to withdraw his application. Permission granted. Anticipatory Bail Application No.324/2024 filed by Sachin Mahadeo Anbhule is dismissed as withdrawn.

5. There is cross FIR registered at the instance of co-accused Sachin. It appears from record that applicant Sharad Sambhaji Nimbalkar is injured in the scuffle and has suffered fracture injury. Perusal of investigation papers reveal that name of applicant Sharad is mentioned by informant in supplementary statement. Injury certificate shows that informant has suffered CLW with contusion and fracture on frontal parietal region of forehead

and blunt trauma on the back. It is alleged by informant that three accused persons namely Sharad Nimbalkar (applicant), Nitin Bendre and Alli alias Nikhil Kacharu Sasane, have assaulted him with sticks on back, thighs and legs. However, injury certificate does not support the said allegation.

6. Two sticks are already recovered in present crime. Considering the fact that applicant is injured and has suffered fracture in the incident, and nothing is to be recovered from him, pretrial custodial detention of applicant is not necessary in the facts of the present case.

7. In the result, Anticipatory Bail Application No.325/2024 is allowed.

8. In the event of arrest of applicant Sharad Sambhaji Nimbalkar, in connection with C.R. No.357/2023, registered with Mirajgaon Police Station, Dist. Ahmednagar, for offence punishable under Sections 324, 323, 504, 506 r/w 34 of the Indian Penal Code, applicant be released on executing Personal Bond and Surety Bond of Rs.15,000/- with one surety in the like amount.

9. Till filing of charge-sheet, applicant shall attend concerned police station as and when called by investigating officer and shall co-operate in the investigation. Applicant shall not tamper prosecution evidence.

(NITIN B. SURYAWANSHI, J.)