



IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

ANTICIPATORY BAIL APPLICATION NO. 326 OF 2024

1. Aditya Kondiba alias Kondibhau Walke
2. Dipak Sitaram Shinde ...Applicants

VERSUS

The State of Maharashtra & Another ...Respondents

Mr. Sohail Subhedar h/f. Mr. Nilesh Ghanekar, Advocate for applicants.

Mr. C.V. Bhadane, APP for respondents.

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[CORAM : NITIN B. SURYAWANSHI, J.]

DATE : 12th MARCH, 2024

ORDER :

1. Applicants apprehend arrest in C.R. No. 694 of 2023, registered with Belwandi Police Station, Dist. Ahmednagar, for offences punishable under sections 307, 325, 336, 323, 143, 147, 148, 149, 504, 506 of the Indian Penal Code and under section 4/25 of Arms Act.

2. FIR is lodged by Santosh Bhondwe alleging that he has dispute with Deepak Shinde. On 28.12.2023 at about 11.00 am, informant along with his friend Swapnil Shelke came to Dhawalgaon from Baramati for breakfast in hotel Jaybhavani, Dhawalgaon. At that time, Deepak Sitaram Shinde, Sagar

Bhagyawant Punde

Shinde, Tushar Sangale, Nilesh Shinde, Sudhir Pathare, Aditya Kondiba Walke (applicant) had come there and they started abusing him because of previous dispute. When informant was leaving the hotel, Aditya Walke and Nilesh Shinde caught him from back side and Deepak Shinde brought sword from four wheeler and assaulted him. At that time, Ankush Tambe assaulted informant on shin by iron rod and other accused persons assaulted him by stones. When Nitin Dhawale, Krushna Ubale, Swapnil Shelke came to rescue informant, Aditya Walke assaulted Nitin Dhawale on hand by iron rod, due to which his hand was fractured. Swapnil Shelke was also assaulted by fists and kicks blows and all accused persons threatened to kill informant.

3. Heard learned advocate for applicants and learned APP for respondents. Perused the investigation papers.

4. After arguing at length on merits, when this Court was not inclined to grant relief to applicant No. 2-Dipak Sitaram Shinde, learned advocate for applicants on instructions seeks permission to withdraw his application.

5. Permission granted. Application of Applicant No. 2

Dipak Sitaram Shinde is dismissed as withdrawn.

6. Perusal of FIR and papers of investigation show that there are general allegations against applicant No. 1 Aditya Walke. It is alleged in the FIR that he along with Nilesh Shinde caught informant from behind and then Deepak Shinde assaulted with sword on his head. Thereafter, co-accused Tushar has assaulted informant with spade. Other accused persons have assaulted Nitin Dhawale with iron rod.

7. Considering the papers of investigation and as nothing is to be recovered from applicant No. 1, his pre-trial custodial detention is not necessary.

8. In the result, application of applicant No. 1 is allowed.

9. In the event of arrest of applicant No. 1- Aditya Kondiba alias Kondibhau Walke, in connection with C.R. No. 694 of 2023, registered with Belwandi Police Station, Dist. Ahmednagar, for offences punishable under sections 307, 325, 336, 323, 143, 147, 148, 149, 504, 506 of the Indian Penal Code, and under section 4/25 of Arms Act, he be released on executing PB and SB of Rs. 15,000/- with one surety in the like amount.

Bhagyawant Punde

10. Applicant No. 1 shall attend the concerned police station from 15th March, 2024 to 22nd March, 2024, everyday, between 10.00 am to 2.00 pm, and shall co-operated in the investigation. Applicant shall not tamper the prosecution evidence.

[NITIN B. SURYAWANSHI, J.]