



IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

ANTICIPATORY BAIL APPLICATION NO. 340 OF 2024

Lotan Shamrao Koli And Another

....Applicants

VERSUS

The State Of Maharashtra And Another

.....Respondents

.....
Mr. P.D. Bachate h/f. Mr. A.S. Mali, Advocate for Applicants.
Mr. C.V. Bhadane, APP for Respondents.

.....

[CORAM : NITIN B. SURYAWANSHI, J.]

DATE : 13th MARCH, 2024

ORDER :

1. Applicants apprehend arrest in C.R. No. 485 of 2023, registered with Shripur City Police Station, Dist. Dhule, for offences punishable under sections 326, 323, 143, 144, 149, 504, 506 r/w 34 of Indian Penal Code.

2. FIR is lodged by Anil Khalane alleging that on 11.10.2023 there was dispute between him and co-accused Chotu Koli. On 12.10.2023 at 8.30 pm, at village Waghadi, Taluka- Shirpur, applicants and co-accused formed unlawful assembly and were armed with sword, iron rods and sticks. Co-accused Samadhan Koli assaulted informant by iron rod on head, left hand and legs. Co-accused Chotu Koli inflicted blow of sword on the head of Vijay Mali. Thereafter, applicants and co-accused

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assaulted informant by iron rods and sticks and threatened to kill them. Informant was admitted in Cottage Hospital, Shirpur.

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

4. Seven accused persons are named in the FIR i.e. 1) Samadhan Koli 2) Bhagwan alias Chotu Koli 3) Dhanraj alias Jitu Koli 4) Lotan Koli 5) Jagdish Koli 6) Nilesh Koli and 7) Dadabhai Koli. Out of them accused Nos. 1 to 3 and 6 and 7 were arrested on 02.02.2024. Weapons allegedly used in the crime are recovered from them.

5. There are four injured persons in the crime i.e. 1) Anil Khalane 2) Vijay alias Dadu Mali 3) Chotu Mali and 4) Gaurav Mali. Perusal of papers of investigation reveal that though assault with sticks is attributed to applicants, the injured persons have suffered simple injuries like contusions and abrasions.

6. Offence is registered on 13.10.2023 and investigation appears to be almost complete. In these facts, pre-trial custodial detention of applicants is not necessary. Hence, the following order:

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ORDER

- I) Anticipatory Bail Application No. 340 of 2024 is allowed.
- II) In the event of arrest of applicants- Lotan Shamrao Koli and Jagdish Raghunath Koli, in connection with C.R. No. 485 of 2023, registered with Shripur Police Station, Dist. Dhule, for offences punishable under sections 326, 324, 143, 144, 147, 148, 149, 504, 506 of Indian Penal Code, they be released on bail on executing P.B and S.B. of Rs. 15,000/- each with one surety each in the like amount.
- III) Till filing of charge sheet, applicants shall attend the concerned police station as and when called by investigating officer.
- IV) Applicants shall not tamper the prosecution evidence.

[NITIN B. SURYAWANSHI, J.]