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IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

ANTICIPATORY BAIL APPLICATION NO.398 OF 2024

Sagar Laxman Markad

APPLICANT

VERSUS

The State of Maharashtra and Another

RESPONDENTS

.....
Mr. Dnyaneshwar R. Kale, Advocate for the applicant
Mr. S. P. Sonpawale, APP for respondent - State
.....

[CORAM : NITIN B. SURYAWANSHI, J.]

DATE : 22nd APRIL, 2024

ORDER :

1. Applicant apprehends arrest in connection with Crime No. 1 of 2024 registered with Shevgaon Police Station, District - Ahmednagar for offence punishable under sections 307, 326 read with 34 of the Indian Penal Code.

2. FIR is lodged by Dilip Sambhaji Ghule alleging that on 29th December, 2023, he asked accused Bharat Navnath Auti about payment of Rs.5000/- for JCB work and he replied that he will pay the amount later on. Again on 30th December, 2023, informant made phone call to Bharat for payment and Bharat told him to come at Ranjani Chowk. When informant went there, at that time

accused Bharat was having sword in his hand and he gave blow of said word on the head of informant, but informant avoided it by putting his right hand on head and sustained injury to his right elbow. Applicant Sagar Markad came there with sickle and raised the sickle on informant and caught hold of his neck and tried to strangle him. Upon hearing shouts of informant, people gathered at the spot and accused persons fled from the spot.

3. Heard learned advocate for applicant and learned APP for the State. Perused papers of investigation.

4. Investigation papers reveal that except bare allegation made by informant that applicant raised sickle at him and pressed his neck, there is nothing on record to show that applicant has participated in the alleged crime. Main role is attributed to accused No.1 Bharat, who was arrested and is released on bail. Admittedly, applicant has not caused any injury to informant. Applicant has no criminal antecedents. Applicant is permanent resident of village Dahigaon (Ne), he has deep roots in the society and he is not likely to abscond, if released on bail. Therefore, his pretrial custodial detention is not necessary.

5. Application is, therefore, allowed by confirming interim protection. Till filing of the charge sheet, applicant shall attend

the concerned police station as and when called by the Investigating Officer. Applicant shall not tamper prosecution evidence.

[NITIN B. SURYAWANSHI]
JUDGE

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