



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

50 ANTICIPATORY BAIL APPLICATION NO. 417 OF 2024

1) Piraji Machindra Kasbe
2) Bhuru @ Pundlik Machindra Kasbe
VERSUS
The State of Maharashtra and another

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Advocate for Applicant : Mr. Sabnis Ameya N
APP for Respondents: Mr. S.P. Sonpawale

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CORAM : SHIVKUMAR DIGE, J.
DATED : 8th JULY, 2024.

PER COURT :-

1. The applicants apprehend arrest in connection with crime No. 379 of 2022 registered with Udgir Rural Police Station, district Latur, for the offence punishable under sections 307, 329, 323, 506, 143, 147, 148, 149 of I.P.C. and under section 135 of Maharashtra Police Act.

2. It is the prosecution's case that one Shivam Rasure lodged a report in the police station contending that on 17.8.2022 at about 1.30 p.m. he went in Janvhi hotel for breakfast, at that time an amount of Rs.45,830/- was with him. One Mahadeo put his hand on the shoulder of the informant and demanded the amount. The informant asked the reason for demanding the money and therefore, Mahadeo beat the informant by fist and kick blows. The informant

pushed him, therefore, as a result he fell down. Co-accused Lakhan Kasbe who was present in the hotel asked the informant as to why he beat the co-accused Mahadeo, then Lakhan took out a knife and inflicted 2/3 blows on the head of the informant and caused bleeding injuries. It is alleged that co-accused Mahadeo gave call to his associates. Thereafter, the applicants alongwith co-accused came there and started beating the informant by means of stick, rod, chain, pipe and stone. Then the informant ran towards Sangale Kirana Stores but all co-accused and applicants chased him and beat him at that place. Thereafter, the informant tried to save his life and ran towards Hotel Matankar but again all co-accused alongwith the applicants chased the informant and beat him by means of aforesaid weapons on his back and chest. Thereafter, the informant became unconscious. The people carried him to the hospital. According to the informant, a golden locket weighing 2 tola, ring of gold and an amount of Rs.45,830/- as well as one mobile were taken away. Thus the report was lodged by the informant.

3. It is the contention of the learned counsel for the applicants that all co-accused against whom similar allegations are made like the applicants, have been released on anticipatory bail by the Sessions Court, hence the applicants are entitled for bail on parity. Learned counsel further submitted that the injury certificate of the first

informant shows that he had suffered simple injuries. 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 that the applicants alongwith other co-accused assaulted the first informant with weapons with intention to kill him. The applicants and other co-accused chased the informant twice and beat him. The custodial interrogation of the applicants is required. Hence he requested to reject the application.

5. I have heard both the learned counsel. Perused the F.I.R. and the police papers produced on record. The allegations against the applicants are general in nature that they alongwith the co-accused assaulted the informant with weapons stick, iron rod, chain, pipe and stone. No specific role is attributed to the applicants. Other co-accused against whom similar allegations are made have been released on anticipatory bail by the Sessions Court. Considering these facts, the custodial interrogation of the applicants is not required. Hence I pass the following order :-

ORDER

(i) The application is allowed.

(ii) The interim anticipatory bail granted to the applicants vide order dated 12.03.2024 stands confirmed on the same terms and conditions with following modification:-

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

(SHIVKUMAR DIGE, J.)

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