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IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

ANTICIPATORY BAIL APPLICATION NO.429 OF 2024

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| 1. | Abhay Sanjay Bachate | APPLICANTS |
| 2. | Shankar Raghunath More | |
| 3. | Rushikesh Ravindra Barhate | |

VERSUS

The State of Maharashtra	RESPONDENT
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Mr. Nitin S. Salunke, Advocate for the applicants
Mr. S. R. Yadav Lonikar, APP for respondent - State
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[CORAM : NITIN B. SURYAWANSHI, J.]

DATE : 17th APRIL, 2024

ORDER :

1. Applicants apprehend arrest in connection with Crime No. 31 of 2024 registered with Kopargaon Police Station, District - Ahmednagar for offence punishable under sections 326, 324, 143, 147, 148, 149, 323, 504, 506 of the Indian Penal Code and under sections 4/25 and 25 (1-B) (b) of the Arms Act.
2. FIR is lodged by Asif Pathan alleging that on 28th January, 2024 at about 5.34 p.m. when he was in engagement function of his relative, his cousin Shadab Pathan made phone call to him and informed that Arshad Pathan and Awesh Shaikh had quarreled with Sunny Giakwad, Sunny Manjul, Shankar More, Vaibhav Kurde, Rahul Chavandke, Datta Punde and Rushi Barhate

on account of playing of children in garden. Accused persons assaulted Arshad Pathan and Awesh Shaikh by wooden logs wherein Arshad had sustained injury on head and Awesh on his back. It was informed to informant that injured were taken to Achari Hospital. Informant went to said hospital. Thereafter at about 5.40 p.m. Sunny Gaikwad, Sunny Manjul, Shankar More, Vaihav Kurade, Rahul Chavandke, Rushi Barhate and Abhi Bachade along with 7 to 8 other persons came there on motorcycles. They were armed with swords, chopper and hockey stick. Being enraged by earlier quarrel, they started assault. Sunny Gaikwad took sword and inflicted its blow on head of Tausif Akil Pathan. Sunny Gaikwad also tried to inflict blow of sword on informant, however, he managed to get aside. Sunny Manjul assaulted blow of chopper on head of Shoyeb Karim Shaikh. Sunny Manjul also raised chopper on others. Persons accompanying Sunny Gaikwad and Sunny Manjul assaulted Tausif Pathan and Shoyeb Shaikh with hockey stick, fist and kick blows and fled from the spot.

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

4. It is alleged in the FIR that applicants have assaulted Arshad Pathan and Awesh Shaikh, by wooden logs, on back and

legs. However, in injury certificates of injured, no injuries on back and legs are seen. *Prima facie*, considering the material collected during investigation, over implication of applicants cannot be ruled out.

5. Accused No.1 Sunny @ Sunil Ashok Gaikwad who has allegedly assaulted with sword is arrested. Hockey stick, sword, chopper and one motorcycle allegedly used in commission of crime, has been recovered recovered from him.

6. Applicants have no criminal antecedents and they are permanent residents of Kopargaon, District - Ahmednagar and have deep roots in the society and they will not abscond if released on bail. Since nothing is to be recovered from applicants, their pretrial custodial detention is not necessary. Hence, the following order :

ORDER

- A. Application is allowed.
- B. In the event of arrest of applicants Crime No. 31 of 2024 registered with Kopargaon Police Station, District - Ahmednagar for offence punishable under sections 326, 324, 143, 147, 148, 149, 323, 504, 506 of the Indian Penal Code and under sections 4/25 and 25 (1-B) (b) of the Arms Act, they be released on executing Personal Bonds and

Surety Bonds of Rs.15,000/- with one surety each in the like amount.

- C. Till filing of the charge sheet, applicants shall attend the concerned police station as and when called by the Investigating Officer and shall co-operate in the investigation.
- D. Applicants shall not tamper prosecution evidence.

[NITIN B. SURYAWANSHI]
JUDGE