



IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
BENCH AT AURANGABAD.

964 ANTICIPATORY BAIL APPLICATION NO. 512 OF 2024

1. Sudhakar Trimbak Kolage
2. Vilas Trimbak Kolage
3. Manoj Sudhakar Kolage

..APPLICANTS

-VERSUS-

1. The State of Maharashtra
2. The Investigating Officer

..RESPONDENTS

Advocate for Applicants : Ms.Sunita G. Sonawane
APP for Respondent/State: Ms.R.P. Gaur

CORAM : **SHIVKUMAR DIGE, J.**

DATE : 20th June, 2024.

P.C.:

1. The applicants apprehend arrest in connection with FIR No.0071 of 2024 registered with Loni Police Station, Tq. Rahata, Dist. Ahmednagar, for the offences punishable under sections 143, 147, 149, 323, 327, 341, 324, 504 and 506 of the Indian Penal Code (For short, "IPC").

2. It is the prosecution's case that on 13th February, 2024, at about 8.00 a.m., informant Deelip Parakhe was proceeding by his rickshaw to Babhaleshwar to purchase frame for his house. When he reached near Nilwande Canal at MSEB, the applicants along with co-accused obstructed him. They asked him the reason as to why he took side of villagers at the time of quarrel at Pimpri-Nirmal. Co-accused Shrikant inflicted blow of iron rod on the head of informant. Applicant-Vilas

inflicted blow of stick on the person of informant. Co-accused – Karan and applicant – Manoj assaulted the informant by fist and kick blows and threatened him to kill. They also hurled abuses. Informant rushed to his house. The wife of the informant asked him as to how and why he was assaulted. The informant told her about the incident. At that time, the applicants and co-accused came to the house of informant. They were accompanied with 2-3 unknown persons. They assaulted the informant and his wife by fist and kick blows and administered blows of iron rod and sticks. They also snatched an amount of Rs.25,000/- from the informant. Thereafter, the informant was admitted in the hospital.

3. It is contention of the learned counsel for the applicants that in the F.I.R. no sufficient allegations are made against the applicants about assault by them to the informant. The co-accused have been released on regular bail by the trial Court. The allegations against the applicants are that they have assaulted the informant with fist and kick blows. No custodial interrogation of the applicants is required. Hence, she requested to allow the application.

4. It is contention of the learned APP that the applicants along with co-accused assaulted the first informant with iron rod and wooden stick. Thereafter, they went to the house of informant. There also they assaulted the informant and his wife. Applicant no.2 – Vilas Kolage assaulted the informant with wooden stick and injured him. Applicant

no.3 – Majoj has criminal antecedents. Their custodial interrogation is required. Hence, she requested to reject the application.

5. I have heard both the learned counsel. Perused the F.I.R. and police papers produced on record.

6. As per the F.I.R. the informant has narrated two incidents namely one, when he was proceeding on road and other incident is at his home. The incident which has happened on the road, in that incident, the informant has not mentioned about the role of applicant – Sudhakar Kolage. In the first incident, he has stated that applicant – Vilas and applicant – Manoj assaulted him with wooden stick. In 2nd incident at his home, he has stated that the applicants assaulted the informant and his wife with fist and kick blows, wooden sticks and iron rod. The police have arrested co-accused – Karan and he has been released on regular bail. Considering the nature of allegations against the applicants that they had assaulted the informant and his wife with fist and kick blows, their custodial interrogation is not required. Hence I pass the following order:-

ORDER

- (i) The application is allowed.
- (ii) In the event of arrest of the applicants in connection with FIR No.0071 of 2024 registered with Loni Police Station, Tq. Rahata, Dist. Ahmednagar, for the offences punishable under sections 143, 147, 149, 323, 327, 341, 324, 504 and 506 of the Indian Penal Code, the

applicants be released on executing personal bond in the sum of Rs.25,000/- each with one surety of the like amount by each of them, on the following conditions :-

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

[SHIVKUMAR DIGE, J.]

sga