



IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

ANTICIPATORY BAIL APPLICATION NO. 561 OF 2024

Sanjay Ramdas Gite And AnotherApplicant

VERSUS

The State Of MaharashtraRespondent

.....
Mr. N.S. Ghanekar, Advocate for Applicant
Mr. S.B. Jadhav, APP for State
Mr. V.V. Tarde, Advocate for informant

.....

[CORAM : NITIN B. SURYAWANSHI, J.]

DATE : 16th JULY, 2024

ORDER :

1. Applicant apprehends arrest in C.R. No. 60 of 2024, registered with MIDC Police Station, Ahmednagar, for offences punishable under section 307, 143, 147, 148, 149, 324, 323, 504, 506 of the Indian Penal Code.

2. FIR is lodged by Raju Gite alleging that there is dispute between him and his brother Sanjay. On 18.01.2024, when he was proceeding to his land, at that time Sanjay Gite, his son and friends arrived in the land. Sanjay Gite asked him 'what are you doing here' and assaulted on the head of informant by iron article. Due to the assault, informant received

injury on his head. At that time, Rohan Gite assaulted by wooden stick and other co-accused also beat, abused and threatened to kill the informant.

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

4. Learned advocate for applicants submits that applicant No. 1 has surrendered on 12.07.2024 and he was remanded to police custody till 15.07.2024. Thereafter, he is remanded to Magisterial custody. Therefore, application of applicant No. 1 is rendered *infructuous*. Application of applicant No. 1- Sanjay Ramdas Gite is therefore disposed of as *infructuous*.

5. So far applicant No. 2 is concerned, he is son of applicant No. 1 and allegations against him is that he assaulted informant with wooden log on hand. Perusal of injury certificate does not reflect any injury suffered by informant on hand. Three injuries are suffered by informant on head on parietal and frontal region, which are attributable to applicant No. 1. After arrest of applicant No. 1, weapons allegedly used in the crime are

recovered.

6. Learned advocate for informant and learned APP vehemently opposed the application stating that applicant No. 2 is involved in crime No. 349/2023, registered with MIDC Police Station, Ahmednagar, under section 324, 323, 504, 506 of IPC r/w section 37(1)(3) and 135 of Maharashtra Police Act.

7. Learned advocate for applicant submits that applicant was immediately released on bail in the aforesaid crime. He further submits that applicant is taking education at Maruti Ghule Patil College, Ahmednagar in First Year B.Sc.

8. Taking into consideration the aforestated circumstances, custodial interrogation of applicant is not warranted in the facts of the present case as *prima facie* false implication of applicant cannot be ruled out at this stage.

9. In the result, application of applicant No. 2 is allowed.

10. In the event of arrest of applicant No. 2- Rohan Sanjay Gite in connection with C.R. No. 60 of 2024, registered with MIDC Police Station, Ahmednagar, for offences punishable

under section 307, 143, 147, 148, 149, 324, 323, 504, 506 of the Indian Penal Code, he shall be released on executing Personal Bond of Rs. 25,000/- with one surety in the like amount.

11. Applicant shall attend the concerned police station from 22nd July, 2024 to 26th July, 2024, between 10.00 am to 2.00 pm and shall co-operate in the investigation.

12. Till filing of charge sheet, applicant shall not enter village Navnagapur, Dist. Ahmednagar.

13. Applicant shall not tamper the prosecution evidence.

[NITIN B. SURYAWANSHI, J.]