



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

941 ANTICIPATORY BAIL APPLICATION NO. 563 OF 2024

1. Dadasaheb Baburao Khindkar
 2. Jyotiram Kundlik Bhate
- ...Applicants

versus

1. The State of Maharashtra
 2. The Superintendent of Police, Beed
- ...Respondents

...

Advocate for Applicant : Mr. Nagesh G. Talekar
APP for Respondents: Mr. Mukesh K. Goyanka

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CORAM : SHIVKUMAR DIGE, J.
DATED : 19th JUNE, 2024.

PER COURT :-

1. The applicants apprehend arrest in connection with FIR No.02 of 2024 registered with Pimpalner Police Station, district Beed, for the offences punishable under Sections 307, 323, 504, 506 read with 34 of the Indian Penal Code.

2. It is the prosecution's case that on 3.1.2024, the informant Onkar Satpute lodged report with the police station alleging that on 31.12.2023 at about 5.30 p.m. while the informant was going along with his friend towards village Belwadi, at that time, they stopped in the Pimpalner area for nature's call. At that time, present applicants came there by four wheeler vehicle and assaulted the informant by

means of wooden rod, knife, slaps, fist and kick blows and caused injuries to him. The applicants abused the informant and threatened to file case under the Atrocities Act against the informant. On the basis of the report, the police lodged the F.I.R. against the applicants.

3. It is the contention of the learned counsel for the applicants that the applicants have been falsely implicated in the case. No such incident has happened and the F.I.R. is registered against the applicants due to political rivalry. Learned counsel further submitted that the complainant has filed an affidavit before the trial court stating that he has filed the complaint against the applicants due to misunderstanding and political rivalry. Hence he requested to allow the application.

4. It is the contention of the learned APP that the applicants have assaulted the complainant with intention to kill him. The F.I.R. was lodged immediately after the incident. There were cross complaints against each other by the complainant and the applicants, which show that there was rivalry between them. There is prima facie case against the applicants. 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 that they have assaulted the complainant with intention to kill him. It is alleged that applicant No.1 assaulted the complainant with knife. The complainant has filed an affidavit before the trial court stating that he has filed the complaint against the applicants due to misunderstanding and political rivalry and the applicants have not assaulted him, hence, he has no objection to grant bail to the applicants. As the complainant has filed affidavit stating that due to misunderstanding and political rivalry he has filed the complaint against the applicants, 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.02 of 2024 registered with Pimpalner Police Station, district Beed, for the offence punishable under sections 307, 323, 504, 506 read with 34 of the Indian Penal Code, the applicants be released on executing personal bond in the sum of Rs.15,000/- 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.)