



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

923 ANTICIPATORY BAIL APPLICATION NO. 596 OF 2024

Yogesh Shama Bagul

VERSUS

The State of Maharashtra and another

...

Advocate for Applicant : Mr. K.A. Sharma h/f Mr. Chaitanya C. Deshpande

APP for Respondents: Mr. P.k. Lakhotiya

Advocate for informant : Mr. Chetan B. Choudhari

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CORAM : SHIVKUMAR DIGE, J.

DATED : 9th AUGUST, 2024.

PER COURT :-

1. The applicant apprehends arrest in connection with crime No. 204 of 2021 registered with Dhule Taluka Police Station, district Dhule, for the offence punishable under sections 307, 143, 147, 148, 149, 354, 326, 324, 323, 504 & 506 of Indian Penal Code.

2. It is the prosecution's case that on 7.6.2021 at about 9.30 p.m. co-accused Sambhaji had outraged the modesty of the wife of the informant and on that count there was quarrel in between the informant, co-accused and the applicant. It is alleged that at about 10.00 p.m. the applicant and co-accused came at the house of the informant and co-accused Jagdish Bagul inflicted blow of axe on the head of Suklal and co-accused and applicant assaulted the parents

of the informant by sticks. Co-accused Vinod Bagul assaulted by chopper. The villagers rescued them.

3. It is the contention of the learned counsel for the applicant that in the F.I.R. there are no allegations against the applicant that he assaulted the informant. The allegations against the applicant are that he assaulted the witnesses and the parents of the informant with wooden stick. Except this, there are no allegations against the applicant. Learned counsel further submitted that the matter is settled between the informant and the applicant, the custodial interrogation of the applicant is not required and requested to allow the application.

4. It is the contention of the learned APP that the applicant and co-accused assaulted the informant and his family members with intention to kill them. The informant's parents have suffered grievous injuries. Considering the allegations against the applicant, his custodial interrogation is required and requested to reject the application.

5. It is the contention of the learned counsel for the informant that that the matter is settled between the informant and the applicant and the informant has no objection to allow this application.

6. I have heard all the learned counsel. Perused the F.I.R. and the police papers produced on record. The allegations against the applicant are that he assaulted the witnesses by wooden stick. Except these allegations, there are no allegations against the applicant. The witnesses to whom the applicant assaulted have suffered simple injuries. Considering this fact as well as the fact that the matter is settled between the applicant and the informant, I pass the following order:-

ORDER

- (i) The application is allowed.
- (ii) The interim anticipatory bail granted to the applicant vide order dated 17.04.2024 stands confirmed on the same terms and conditions with following modification:-
 - (a) the applicant shall attend the concerned police station as and when required by the Investigating Officer.

(SHIVKUMAR DIGE, J.)

rlj/