



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

941 ANTICIPATORY BAIL APPLICATION NO. 639 OF 2024

1. Angad Pandhari Kamble- **withdrawn**
2. Narayan Pandhari Kamble
3. Shivhar Angad Kamble – **withdrawn**

..APPLICANTS

-VERSUS-

1. State of Maharashtra
2. The Superintendent of Police

..RESPONDENTS

...
Advocate for Applicants : Mr. A.E. Madne
APP for Respondent/State: Mr.C.V. Bhadane
Advocate for assisting P.P. : Mr. S.S. Manale

...
CORAM : **SHIVKUMAR DIGE, J.**

DATE : 6th August, 2024.

P.C.:

1. Heard the learned counsel for the applicants and learned APP along with the learned counsel for assist to P.P.
2. After hearing for some time, when this Court expressed disinclination to allow the application in respect of applicant no.1- Angad Pandhari Kamble and applicant no.3 – Shivhar Angad Kamble, the learned counsel for the applicants, on instructions seeks leave to withdraw the application to their extent.
3. Leave granted. The application is dismissed as withdrawn to the extent of applicant nos.1 and 3.
4. So far as applicant no.2 is concerned, the applicant no.2 apprehends arrest in connection with FIR No.190 of 2024 registered with M.I.D.C. Police Station, Latur for the offences punishable under

sections 307, 326, 324, 323, 504, 506, 143, 147, 148, 149 of the Indian Penal Code (For short, "IPC"), sections 4 and 27 of the Arms Act and section 135 of the Bombay Police Act.

5. It is prosecution's case that on 16th March, 2024 at around 9:00 p.m., the informant's mother and wife was assaulted by co-accused and applicant with iron rod and sickle and wooden stick. When informant went there to rescue them, it is alleged that co-accused Dhamma Kamble assaulted the informant with sickle on his head and the applicant assaulted the informant with wooden stick on his back and leg. It is alleged that due to said assault, the informant, his wife and mother got seriously injured.

6. It is contention of the learned counsel for the applicant that the applicant has been falsely implicated in this case. The allegations against the applicant are that he assaulted the informant with wooden stick on his back and leg. No injury is sustained by the informant on his back and leg. Considering the allegations against the applicant, his custodial interrogation is not required and requested to allow the application.

7. It is contention of the learned APP along with learned counsel for assist to P.P. that the applicant along with co-accused assaulted the informant, his wife and mother with sickle, iron rod and wooden stick. Due to assault, the informant, his wife and mother got grievous injuries. The applicant assaulted the informant with wooden stick.

Considering the allegations against the applicant, his custodial interrogation is required and requested to reject the application.

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

9. The allegations against the applicant are that he assaulted the informant with wooden stick on his back and leg. Injury certificate produced on record does not show that the informant sustained injuries on his back and leg. Considering the allegations against the applicant, his custodial interrogation is not required and I pass the following order :-

ORDER

(i) The application is allowed.

(ii) In the event of arrest of applicant no.2 in connection with FIR No.190 of 2024 registered with M.I.D.C. Police Station, Latur for the offences punishable under sections 307, 326, 324, 323, 504, 506, 143, 147, 148, 149 of the Indian Penal Code, sections 4 and 27 of the Arms Act and section 135 of the Bombay Police Act, the applicant be released on executing personal bond in the sum of Rs.15,000/- with one surety of the like amount, on the following conditions :-

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

[SHIVKUMAR DIGE, J.]