



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

917 ANTICIPATORY BAIL APPLICATION NO. 489 OF 2021

1. Santosh Vishwanath Sathe
2. Ravindra Vishnu Jadhav

..APPLICANTS

-VERSUS-

State of Maharashtra

..RESPONDENT

Advocate for Applicants : Mr. Ishwar K. Wagh h/f Mr. M.S. Bhosale
APP for Respondent/State: Mr.N.B. Patil

CORAM : **SHIVKUMAR DIGE, J.**

DATE : 18th July, 2024.

P.C.:

1. The applicants apprehend arrest in connection with FIR No.0385 of 2020 registered with Ashti Police Station, Tq. Ashti, Dist. Beed, for the offences punishable under sections 323, 325, 326, 143, 147, 148, 149 of the Indian Penal Code (For short, "IPC") and under sections 4 and 25 of the Arms Act.
2. It is prosecution's case that the applicants and co-accused assaulted informant and others on the ground of giving *Mava* to them on 23rd October, 2020 at around 10.00 p.m. It is alleged that the applicants had assaulted injured with sword on his head.
3. It is contention of the learned counsel for the applicants that the applicants have been falsely implicated in this case. The applicants were not present at the incident spot. Injuries sustained by the injured are simple in nature. All the co-accused have been released on bail.

Investigation is completed and the charge-sheet is filed, hence requested to allow the application.

4. It is the contention of the learned APP that the applicants assaulted the injured with sword on his head with intention to kill him. Injury certificate shows that injured has sustained grievous injuries. The applicants had used the sword at the time of crime. The custodial interrogation of the applicants is required to recover the sword, hence 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.

6. When the matter was pending before the trial Court, the injured witnesses have filed affidavits before the trial Court stating that they have no objection if the bail is given to the applicants as they want to maintain cordial relations with the family of the applicants. In my view, though the affidavits are filed by the injured persons, issue remains can the applicants are entitled for bail as applicant no.1 had used sword while committing the crime. In my view, investigation is completed. The charge-sheet is filed against the applicants. The applicants were on interim bail. During on interim bail, they have co-operated with the Investigating Officer. Considering these aspects, custodial interrogation of the applicants is not required and 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.0385 of 2020 registered with Ashti Police Station, Tq. Ashti, Dist. Beed, for the offences punishable under sections 323, 325, 326, 143, 147, 148, 149 of the Indian Penal Code (For short, "IPC") and under sections 4 and 25 of the Arms Act, 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.]

sga