



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

977 ANTICIPATORY BAIL APPLICATION NO. 718 OF 2024

- 1) Jijaram Uttam Budhnar
- 2) Akshay Laxman Jethe ...Applicants

VERSUS

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

...
Advocate for Applicant : Mr. Salunke Sudarshan J
APP for Respondents: Mr. R.B. Dhaware
Advocate for Respondents : Mr. V.P. Savant

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

PER COURT :-

1. The applicants apprehend arrest in connection with FIR No.88 of 2024 registered with Beed (Rural) Police Station, district Beed, for the offence punishable under sections 307, 326, 324, 323, 143, 147, 148, 149 of the Indian Penal Code.

2. It is the prosecution's case that on 19.3.2024 when the complainant was taking bore in his field, at that time the applicants and co-accused came there and assaulted the complainant, his maternal uncle and his brother with sickle and iron rod with intention to kill them. It is alleged that the applicants have assaulted the

complainant and witnesses with sickle, and iron rods.

3. It is the contention of the learned counsel for the applicants that in the F.I.R. though the names of the applicants are mentioned but no specific allegations are made about the assault by them to the complainant or witnesses. Learned counsel further submitted that applicant No.2 stays 25 kilometers away from the incident of spot. He has been falsely implicated in this case. The custodial interrogation of the applicants is not required. Hence he requested to allow the application.

4. It is the contention of the learned APP assisted by the learned counsel Mr. Savant, that the applicants alongwith co-accused assaulted the complainant and eye witnesses by sickle and iron rod with intention to kill them. Due to the said assault, the complainant and eye witnesses were admitted in the hospital. Learned A.P.P. further submitted that in the supplementary statement of eye witness, specific role is attributed to applicant No.1 that he assaulted eye witness with iron rod and applicant No.2 assaulted the witness with sickle. 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. In the F.I.R. it is alleged that the applicants and co-accused came in the field of the complainant and assaulted the complainant and eye witnesses. No specific allegations are made against the applicants. In the supplementary statement of eye witness Ganesh Budhnar, recorded on 4.5.2024, he has stated that applicant No.1 assaulted him and his maternal uncle with iron rod and applicant No.2 assaulted him with sickle. It is pertinent to note that in his initial statement, this witness has not stated about role of the applicants. In supplementary statement, which is recorded after 15 days of the incident, he has stated about role of the applicant. As no allegations of assault are levelled against the applicants in the F.I.R. as well as after 15 days of the incident, in supplementary statement, the eye witness has stated about the role of the applicants, which shows that the 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.88 of 2024 registered with Beed (Rural) Police Station, district Beed, for the offence punishable under sections 307, 326, 324, 323, 143, 147, 148, 149 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.

(b) The applicant No.2 shall not enter in the village where the incident is happened till filing of the charge sheet, except for attending the police station as and when called by the investigating officer.

(SHIVKUMAR DIGE, J.)

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