



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

55 ANTICIPATORY BAIL APPLICATION NO. 731 OF 2024

1. Rohit @ Monu S/o. Milan Joshi
2. Abhishek @ Abhi S/o. Bhausahab Kardile – **withdrawn**
3. Sagar S/o. Anil Ganar – **withdrawn**

..APPLICANTS

-VERSUS-

1. State of Maharashtra
2. The Superintendent of Police

..RESPONDENTS

Advocate for Applicants : Mr.Narwade Narayan B.
APP for Respondent/State: Mr.S.A. Gaikwad

CORAM : **SHIVKUMAR DIGE, J.**

DATE : 18th June, 2024.

P.C.:

1. Heard the learned counsel for the applicants and the learned APP.
2. The learned counsel for the applicants, on instructions, seeks leave to withdraw the application to the extent of the applicant no.2-Abhishek @ Abhi S/o Bhausahab Kardile and the applicant no.3 – Sagar S/o. Anil Ganar.
3. Leave granted. The application to the extent of applicant nos.2 and 3 is dismissed as withdrawn.
4. So far as applicant no.1 – Rohit @ Monu S/o. Milan Joshi is concerned, the applicant apprehends arrest in connection with FIR No.0436 of 2024 registered with Tofkhana Police Station, Ahmednagar, for the offences punishable under sections 143, 147, 149, 307, 323 of

the Indian Penal Code (For short, "IPC").

5. It is the prosecution's case that on 3rd April, 2024, at 10.00 p.m., the complainant and his brother were talking near their house. At that time, there was dispute between the complainant and accused no.1 on the issue of parking of vehicle. There was verbal altercation between accused no.1 and complainant. It is alleged that after some time, accused no.1, co-accused and the applicant came there and assaulted the complainant. It is alleged that accused no.1 assaulted the complainant with axe on his head and co-accused assaulted the complainant with sharp edged weapon. Due to the said assault, the complainant was seriously injured. It is alleged that the applicant and co-accused tried to kill the complainant and his brother.

6. It is contention of the learned counsel for the applicant that there is delay in lodging the F.I.R. No role is attributed to applicant in the F.I.R. The allegations are made against the co-accused. No custodial interrogation of the applicant is required. Hence he requested to allow the application.

7. It is the contention of the learned APP that the applicant and co-accused assaulted the complainant with an intention to kill him. The applicant was part of group, who assaulted the complainant and his brother. The applicant had common intention. Injury certificate shows that the brother of the complainant had received grievous injuries. Custodial interrogation of the applicant is required. Hence he

requested to reject the application.

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

9. In the F.I.R. allegations are made against accused no.1 – Sonu and other co-accused. No allegations of assault are made against the applicant. As there are no allegations of assault against the applicant, hence his custodial interrogation is not required.

10. Considering the above, I pass the following order :-

ORDER

(i) The application to the extent of applicant no.1 - Rohit @ Monu S/o. Milan Joshi is allowed.

(ii) In the event of arrest of applicant no.1 Rohit @ Monu S/o. Milan Joshi in connection with FIR No.0436 of 2024 registered with Tofkhana Police Station, Ahmednagar, for the offences punishable under sections 143, 147, 149, 307, 323 of the Indian Penal Code, he be released on executing personal bond in the sum of Rs.20,000/- with one surety of the like amount, on the following conditions :-

(a) the applicant no.1 shall attend the concerned police station as and when required by the Investigating Officer.

[SHIVKUMAR DIGE, J.]