



**IN THE JUDICATURE OF HIGH COURT AT BOMBAY  
BENCH AT AURANGABAD**

**914 ANTICIPATORY BAIL APPLICATION NO. 745 OF 2024**

2. Bharat Shridhar Wandhekar,
2. Akshay s/o Dattatray Markad,
3. Sachin s/o Baban Jaybhaye,
4. Kishor s/o Ramdas Wandhekar.

...Applicants

**VERSUS**

1. The State Of Maharashtra,
2. The In-charge Investigation Officer,  
Pathardi P.S.

...Respondents

...  
Advocate for Applicant : Mr. Andhale Sandip Ramnath  
APP for Respondents-State : Ms. P. J. Bharad

...

**CORAM : R. M. JOSHI, J.**

**Dated : July 02, 2024**

**PER COURT :-**

1. This is a case wherein an accused who has been alleged with serious acts of using knife and assaulting the informant is granted anticipatory bail by the Additional Sessions Judge, Ahmednagar and the application of the present applicants who said to have assaulted the informant with fists and kicks, their application is rejected.

2. Applicants are apprehending arrest in connection with Crime No.308/2023, registered with Pathardi Police Station, Ahmednagar, for offence punishable under Section 109, 307, 323, 326, 337, 504, 506 read with 34 of the Indian Penal Code.

3. The informant made allegations that an incident had occurred on 26/03/2023 at about 05.00 p.m. when he was assaulted by Lakhan with knife on his head, chest and other parts of the body whereas the present

applicants had beaten him with fists and kicks blows.

4. Learned Counsel for applicants submits that an application was moved by Lakhan before the Additional Sessions Judge bearing Criminal M.A. No.2028/2024. In the said application, informant appeared and filed affidavit contending that he has no grievance against the said accused. The learned Additional Sessions Judge by order dated 06/01/2024 granted pre-arrest bail to accused Lakhan. It is his submission that, however the application filed by the present applicants is rejected simply on the ground that it was a second bail application.

5. Learned APP opposed the application by contending that the applicants who were directed to attend concerned police station once in a week, had failed to comply with the said condition, and therefore, they are not entitled for the confirmation of the bail order. As far as merits of the case is concerned, he submitted that the offence is serious in nature and therefore application be rejected.

6. This Court is amazed with the fact that the learned Sessions Judge has granted bail to accused Lakhan against whom there was allegation that he assaulted the injured with weapon on his head, chest and other parts of the body. When there is specific allegation in first information report and the present applicants have beaten him with fists and kicks blows, there was absolutely no reason for justification for

the Additional Sessions Judge to reject the application.

7. Having regard to the facts of the case, the allegation against the present applicant is not of using any weapon in the said assault but he stated that they abused the informant and had beaten him with kicks and fist blows. In such circumstances, nothing is to be recovered at their instance. As far as the grievance raised by the learned APP about failure on the part of the applicants to attend the police station is concerned, the Investigating Officer has not moved this Court for vacating the interim relief. It is sought to be argued that the applicants have not co-operated with the police during investigation. The exact co-operation expected from the applicants is not forthcoming. Having regard to the aforestated facts, this is a fit case to confirm the interim order. Hence, the application is allowed by confirmation of the interim order.

( R. M. JOSHI, J. )

*vj gawade/-.*