



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

982 ANTICIPATORY BAIL APPLICATION NO. 782 OF 2024

- 1) Sanjay Balasaheb Makrand
 - 2) Sagar Raosaheb Makrand
- ...Applicants

Versus

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

Advocate for Applicant : Mr. Vijay S. Wakale h/f Mr. S.G. Ghongade
APP for Respondents: Ms. Rashmi P. Gour

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CORAM : SHIVKUMAR DIGE, J.
DATED : 27th JUNE, 2024.

PER COURT :-

1. The applicants apprehend arrest in connection with crime No.218 of 2024 registered with Nanalpeth Police Station, district Parbhani, for the offences punishable under sections 307, 327, 336, 323, 143, 147, 148, 149 of the Indian Penal Code.

2. It is the prosecution's case that on 14.4.2024, at about 7.30 p.m. a procession of Dr. Babasaheb Ambedkar Jayanti was going on. In that procession, all ladies and gents of Gautamnagar were present. When the procession was reached near to Priti Talkies, a scuffle between Sanjay Makrand i.e. applicant No.1 and one Sumedh

Lahane took place. Sumedh Lahane went to the first informant and told him that applicant No.1 is calling him on the back side of the procession. He further told that he is asking to withdraw the offence filed by him against the applicants. Thereafter, the first informant, the president of the procession Sanghpal Lokhande and Sumedh Lahane went to the back side of the procession. At that time, the applicant No.1 told the informant to withdraw the old offences and he threw a stone towards the first informant. The said stone hit on the forehead and nose of the informant. Due to that assault, the informant fell down. At that time, applicant No.2 and other co-accused assaulted the informant with fist and kick blows. At that time, applicant No.2 assaulted the informant with iron rod. Due to that assault, head injury was caused to the first informant. It is alleged that applicant No.1 snatched gold chain from the neck of the informant and ran away.

3. It is the contention of the learned counsel for the applicants that brother of applicant No.1 Aniket Makrand has lodged F.I.R. against the first informant and other co-accused, alleging that the first informant and co-accused assaulted him with iron rod and caused injury to him. On his complaint, an offence under Sections 307, 323, 143, 147, 148, 149 of I.P.C. is registered against the informant and others. In the said offence, the first informant and co-accused have been released on bail on the ground that the injuries sustained to

them are simple in nature. Learned counsel further submitted that in the present case, the injuries sustained to the first informant are simple in nature. Only to counter the complaint filed by the brother of applicant No.1, present complaint is filed. 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 that the applicants and co-accused assaulted the first informant with stone, iron rod and knife. The applicants and co-accused had intention to kill the first informant. Though the first informant has received simple injuries it does not mean that the applicants have not assaulted the first informant. The custodial interrogation of the applicants is required to recover the weapons used in crime and snatched gold chain. Hence she 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. It appears that brother of applicant No.1 has filed F.I.R. on the same date and the same time against the first informant and others. It also appears that there was quarrel between two groups and on that count, F.I.R. was registered against each other. The injuries sustained by the members of the groups are simple in nature. The injury certificate of first informant shows that the injuries are simple in nature. Considering this fact, 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 crime No.218 of 2024 registered with Nanalpeth Police Station, district Parbhani, for the offence punishable under sections 307, 327, 336, 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.

(SHIVKUMAR DIGE, J.)

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