



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

68 ANTICIPATORY BAIL APPLICATION NO. 810 OF 2024

Mohit Sunil Honde

VERSUS

The State of Maharashtra and another

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Advocate for Applicant : Mr. Barhate Patil Avinash N.

APP for Respondents: Mr. B.B. Bhise

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CORAM : SHIVKUMAR DIGE, J.
DATED : 9th SEPTEMBER, 2024.

PER COURT :-

1. The applicant apprehends arrest in connection with crime No.94 of 2024 registered with Sonai police Station, district Ahmednagar, for the offences punishable under Sections 307, 326, 324, 323, 504, 506 r.w. 34 of the Indian Penal Code.

2. It is the prosecution's case that on 28.2.2024, around 5.00 p.m. the informant's grandson was playing outside the home, at that time, accused No.1 drove his vehicle in fast speed, hence, the husband of the informant asked accused No.1 to drive the vehicle slowly, as his grandson was playing outside. It is alleged that on the same day, around 7.30 p.m. when the informant, her husband and their neighbour Harihar Nagre and his wife Mangal Nagre were sitting outside the home, at that time, it is alleged that the applicant

alongwith co-accused came there on two motor cycles. It is alleged that the applicant and co-accused assaulted the husband of the informant with fist and kick blows and co-accused Akash and Avinash caught hold the hands of the husband of the informant. Accused No.2 Dnayneshwar @ Sonya inflicted blow of knife in the stomach of the informant's husband with intention to kill him. By hearing the shouts, the neighbourers came there, hence the applicant and co-accused ran away from the spot of incident.

3. It is the contention of the learned counsel for the applicant that the applicant has been falsely implicated in this case. There is two days delay in lodging the F.I.R.. No specific role is attributed to the applicant. The allegations are against the co-accused only. It is mentioned that the applicant was only present at the spot of incident. Considering the allegations against the applicant, his custodial interrogation is not required and requested to allow the application.

4. It is the contention of the learned APP that the applicant alongwith the co-accused went to the house of the informant. The applicant and the co-accused assaulted the informant's husband with fist and kick blows. Thereafter, co-accused inflicted a blow of knife on the stomach of the informant's husband with intention to kill him. The applicant was the part of group who assaulted the informant's

husband. There was common intention of the applicant with co-accused to kill husband of the informant. Considering the allegations against the applicant, his custodial interrogation is required and 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. the specific allegations against the applicant are that he alongwith the co-accused assaulted the informant's husband with fist and kick blows. No specific role is attributed to the applicant. Considering the allegations against the applicant, his custodial interrogation is not required and I pass the following order:-

ORDER

- (i) The application is allowed.
- (ii) The interim anticipatory bail granted to the applicant vide order dated 15.5.2024 stands confirmed on the same terms and conditions.

(SHIVKUMAR DIGE, J.)

rlj/