



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

916 ANTICIPATORY BAIL APPLICATION NO. 826 OF 2024

- 1) Baban Sahebrao Solunke
 - 2) Gajanan Raghunath Surase
 - 3) Govind Navnath Surase
 - 4) Sandip babanrao Salunke
 - 5) Bharat Parmeshwar Bhusare
 - 6) Ram Gajanan Surase
- ...Applicants

versus

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

Advocate for Applicant : Mr. Sudarshan J. Salunke
APP for Respondents: Ms. Rashmi P. Gour
Advocate to assist the A.P.P. : Mr. Pratik A. Bhosle

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CORAM : SHIVKUMAR DIGE, J.
DATED : 25th JUNE, 2024.

PER COURT :-

1. Learned counsel for the applicants submits that the applicant No.5 Bharat Parmeshwar Bhusare is arrested by the police during pendency of this application. Hence, this application has become infructuous as against applicant No.5 Bharat Parmeshwar Bhusare. Learned counsel further submitted that he is not pressing this application for applicant No.1 Baban Sahebrao Salunke and applicant No.3 Govind Navnath Surase. Hence, this bail application

as against applicant No.1 Baban Sahebrao Salunke and applicant No.3 Govind Navnath Surase is dismissed, as not pressed.

2. In so far as applicant Nos. 2, 4 and 6 are concerned, they apprehend arrest in connection with crime No.128 of 2024 registered with Ambad Police Station, District Jalna, for the offences punishable under sections 302, 307, 323, 143, 147, 148, 149 of I.P.C. and under Section 4/25 of the Arms Act.

3. It is the prosecution's case that co-accused persons assaulted deceased Kashinath Salunke with knife and axe. It is alleged that the applicants and co-accused assaulted the first informant and other witnesses due to dispute of land. Due to the said assault, Kashinath died while taking treatment.

4. It is the contention of the learned counsel for the applicants that in the F.I.R. names of the co-accused have been mentioned but the names of the applicants have been mentioned in the supplementary statements of the first informant and witnesses, recorded after 10 days of the incident. It shows the false involvement of the applicants in the said case. Learned counsel further submitted that the first informant knows the applicants. In the F.I.R. the informant has mentioned the specific role played by each of the co-

accused but he has not mentioned the names of the applicants. Hence he requested to allow the application.

5. It is the contention of the learned APP assisted by learned counsel Mr. Bhosle that the applicants and co-accused have assaulted the deceased, first informant and the witnesses on the land dispute with axe and knife. The injury certificate produced on record with the police papers supports the contentions of the first informant. It is alleged that the applicants assaulted the first informant and the witnesses with knife. Hence, their custodial interrogation is required and requested to reject the application.

5. I have heard all learned counsel. Perused the F.I.R. and the police papers produced on record. The first informant Balasaheb Dethe lodged the F.I.R. on 12.3.2024 alleging that the incident is happened on 10.3.2024. In the F.I.R. the first informant, in all, has given names of 11 accused persons and he has also given the specific role played by each of the accused. After 10 days, of the F.I.R., supplementary statement of Balasaheb Dethe is recorded by the police and in the said statement, the informant has mentioned the names of the applicants alongwith the role played by them. The statements of other witnesses are also recorded after 10 days and they have reiterated the statement of the first informant Balasaheb

Dethe, as the applicants knows to the first informant. As there are no names of the applicants in the F.I.R. and their names are taken by the first informant and witnesses for the first time in the supplementary statement recorded after 10 days of the incident, it creates doubt about the involvement of the applicants in the said crime. Hence, 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.128 of 2024 registered with Ambad Police Station, District Jalna, for the offences punishable under sections 302, 307, 323, 143, 147, 148, 149 of I.P.C. and under Section 4/25 of the Arms Act, 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.)