



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

945 ANTICIPATORY BAIL APPLICATION NO. 876 OF 2024

1. Ganesh Krushna Patil (withdrawn)
 2. Atul Devidas Patil (withdrawn)
 3. Pradip Ramdas Patil (withdrawn)
 4. Aakash Prakash Patil
 5. Shivam Prakash Patil
 6. Sagar Sopan Patil
- ...Applicants

versus

The State of Maharashtra

...Respondent

Advocate for Applicant : Mr. Gore Ravindra Vitthal
APP for Respondents: Mr. P.K. Lakhotiya

.....

CORAM : SHIVKUMAR DIGE, J.
DATED : 3rd SEPTEMBER, 2024.

PER COURT :-

1. Learned counsel for the applicants, on instructions, seeks leave to withdraw the application of applicant No.1-Ganesh Krushna Patil, applicant No.2-Atul Devidas Patil and applicant No.3-Pradip Ramdas Patil. Leave granted. The application to the extent of applicant Nos. 1 to 3 is disposed of as withdrawn.

2. Insofar as the applicant Nos. 4, 5 and 6 are concerned, they apprehend arrest in connection with crime No.55 of 2024 registered with Bodwad Police Station, district Jalgaon, for the offences

punishable under Sections 143, 147, 326, 324, 148, 149, 427, 504, 506 of the Indian Penal Code, under Sections 4, 5 of Arms Act and under Section 37(1) (c) of Maharashtra Police Act.

3. It is the prosecution's case that on 16.3.2024 when the informant was going to his field, at that time, he saw that some quarrel was going on and there was a crowd. Hence, he went there. It is alleged that the applicants and co-accused were present there with knife, hammer and wooden sticks in their hands. It is alleged that the applicants and co-accused assaulted the injured witnesses. When the informant tried to resolve the dispute, it is alleged that he was assaulted by the knife and stone by the co-accused. The allegations against the applicants are that they were part of the group who assaulted the injured witnesses, informant and other persons.

4. It is the contention of the learned counsel for the applicants that the applicants have been falsely implicated in this case. No allegations are made against the applicants that they assaulted the injured witnesses or the informant. The main allegations are against the co-accused. Considering the allegations against the applicants, their custodial interrogation is not required and requested to allow the application.

5. It is the contention of the learned APP that the applicant No.4 has been released on anticipatory bail in crime No. 5 of 2024. While allowing the said bail application, the applicant No.4 was directed not to enter in the village, inspite of that he entered in the village and involved in the present crime. The names of all the applicants are mentioned in the F.I.R. They were part of the group who assaulted the injured witnesses and the informant with intention to kill them. Considering the allegations against the applicants, their custodial interrogation is required and requested to reject the application.

6. I have heard both the learned counsel. Perused the F.I.R. and the police papers produced on record. In the F.I.R. it is mentioned that the applicants were present with other co-accused. Considering the contents in the F.I.R. the allegations are made against co-accused. No specific allegations are made against the applicants. Considering these facts, the custodial interrogation of the applicants is not required and I pass the following order:-

ORDER

- (i) The application is allowed.
- (ii) The interim anticipatory bail granted to the applicants vide

order dated 29.05.2024 stands confirmed on the same terms and conditions with following modifications:-

(a) the applicants shall attend the concerned police station as and when required by the Investigating Officer.

(a) the applicants shall not enter in the village till filing of the charge sheet. If any of the applicants violate this condition, then it would be a ground for cancellation of bail.

(SHIVKUMAR DIGE, J.)

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