



IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
BENCH AT AURANGABAD.

79 ANTICIPATORY BAIL APPLICATION NO. 895 OF 2024

1. Anil Pandurang Patil
2. Udhav @ Dada Mahadeo Yadav

..APPLICANTS

-VERSUS-

The State of Maharashtra

..RESPONDENT

Advocate for Applicants : Mr. Kanade Angad Lala
APP for Respondent/State: Mr.P.K. Lakhotiya
Advocate for assist to P.P. : Mr.S.E. Shekade

CORAM : **SHIVKUMAR DIGE, J.**

DATE : 24th June, 2024.

P.C.:

1. The learned counsel for the applicants, on instructions, seeks leave to withdraw the application of applicant no.1 – Anil Pandurang Patil.
2. Leave granted. The application to the extent of applicant no.1 stands dismissed as withdrawn.
3. The applicant - Udhav @ Dada Mahadeo Yadav apprehends arrest in connection with FIR No.215 of 2024 registered with Shivaji Nagar Police Station, Beed, for the offence punishable under sections 143, 147, 148, 149, 307, 327, 336, 427, 323, 504, 506 of the Indian Penal Code (For short, "IPC") and sections 4 and 25 of the Indian Arms Act.
4. It is case of the prosecution's that on 13th May, 2024 voting for Loksabha Election was concluded in Beed. At around 10.00 p.m., the

informant was sleeping in his house. At around 11.30 p.m., the applicant along with other accused and two unknown persons came to the house of informant. They threw stones and asked him why he had voted for particular party and assaulted the informant. It is alleged that accused no.1 – Anil Patil tried to assault the informant with sword, but it hit on ear of one Kuldip Jadhav, who came to rescue the informant. Neighbourers came there. Accused no.1 and applicant had went away from the incident spot by threatening the informant and others and also damaged the Alto Car of informant's neighbour Sanjay Kulkarni.

5. It is the contention of the learned counsel for the applicant that there are no allegations against applicant no.2. All allegations are made against accused no.1. Custodial interrogation of the applicant is not required. Hence he requested to allow the application.

6. It is the contention of the learned APP that the applicant along with accused no.1 had gone in the house of the informant. Accused no.1 assaulted the informant with sword whereas the applicant pelted stones on the house of the informant. He abused the informant. He was part and parcel of the unlawful assembly. Custodial interrogation of the applicant is required. Hence he requested to reject the application.

7. I have heard both the learned counsel. Perused the F.I.R. and police papers produced on record.

8. In the F.I.R. it is alleged that accused no.1 had assaulted the

informant with sword. The allegations against applicant are that he pelted stone on the house of the informant and abused the informant. Considering the nature of allegations against the applicant, his custodial interrogation is not required. Hence I pass the following order:-

ORDER

- (i) The application is allowed.
- (ii) In the event of arrest of the applicant - Udhav @ Dada Mahadeo Yadav in connection with FIR No.215 of 2024 registered with Shivaji Nagar Police Station, Beed, for the offence punishable under sections 143, 147, 148, 149, 307, 327, 336, 427, 323, 504, 506 of the Indian Penal Code and sections 4 and 25 of the Indian Arms Act, the applicant be released on executing personal bond in the sum of Rs.15,000/- with one surety of the like amount, on the following conditions :-
 - (a) the applicant shall attend the concerned police station as and when required by the Investigating Officer.
 - (b) the applicant shall not indulge into such crime.

[SHIVKUMAR DIGE, J.]