



IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

ANTICIPATORY BAIL APPLICATION NO. 776 OF 2023

1. Navnath Janardhan Kohak
 2. Pandurang Appa Vyavhare
 3. Natha Chandrabhan Vyavhare
 4. Shivaji Bhausaheb Wani
 5. Bapu Dada Vyavhare
-Applicants

VERSUS

The State Of Maharashtra And Another

.....Respondents

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Mr. Nilesh Ghanekar, Advocate for applicants.

Mr. A.R. Kale, APP for respondents- State.

Mr. S.B. Kadu, Advocate for informant.

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[CORAM : NITIN B. SURYAWANSHI, J.]

DATE : 7th FEBRUARY, 2024

ORDER :

1. Applicants apprehend arrest in C.R. No. 122 of 2023, registered with Belwandi Police Station, District- Ahmednagar, for offences punishable under sections 143, 147, 148, 324, 323, 326, 341, 327, 504, 506 of Indian Penal Code and under section 4/25 of Arms Act.

2. FIR is lodged by Sharad Wani alleging that on 14.04.2023, he was assaulted by Amol Kohak, Navnath Kohak, Pandurang Vyavhare, Natha Vyavhare, Shivaji Wani and Bapu

Bhagyawant Punde

Vyavhare. Amol assaulted informant with sword, Pandurang and Navnath assaulted with iron rod and Natha with wooden log.

3. Heard learned advocate for applicants, learned APP for respondent-State and learned advocate for informant.

4. After arguing on merits at length, when this Court was not inclined to grant relief to applicants- Navnath Kohak, Pandurang Vyavhare, Natha Vyavhare and Bapu Vyavhare, learned advocate for applicants on instructions seeks permission to withdraw the application of applicants- Navnath Kohak, Pandurang Vyavhare, Natha Vyavhare and Bapu Vyavhare. Permission granted. Application of applicants- Navnath Kohak, Pandurang Vyavhare, Natha Vyavhare and Bapu Vyavhare is dismissed as withdrawn.

5. So far as applicant Shivaji Wani is concerned it is not alleged that he has used any weapon in the assault. In the FIR it is stated that Shivaji has exhorted that informant should be killed and assaulted informant with fists and kick blows. Considering the injury certificate of informant, said allegation is *prima facie* not supported by injury certificate. Weapons used in the crime are already recovered. In these facts, custodial

detention of applicant- Shivaji Wani is not warranted. Application is therefore allowed by confirming the interim protection granted on 16.05.2023.

[NITIN B. SURYAWANSHI, J.]