



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

82 ANTICIPATORY BAIL APPLICATION NO. 947 OF 2024

1) Devidas Sahebrao Mandge (withdrawn)

2) Baban Rajaram Mandge

VERSUS

The State of Maharashtra and another

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Advocate for Applicant : Mr. S.R. Zambare

APP for Respondents: Mr. R.B. Dhaware

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CORAM : SHIVKUMAR DIGE, J.

DATED : 8th JULY, 2024.

PER COURT :-

1. Learned counsel for the applicants, on instructions, seeks leave to withdraw the application of applicant No.1 Devidas Sahebrao Mandge. Leave granted. The application of applicant No.1 Devidas Sahebrao Mandge, is disposed of as withdrawn.

2. In so far as the applicant No.2 Baban Rajaram Mandge is concerned, he apprehends arrest in connection with crime No. 342 of 2024 registered with Karjat police station, district Ahmednagar, for the offences punishable under Sections 323, 326, 504 r.w. 34 of the I.P.C.

3. It is the prosecution's case that on 14.5.2024, the brother in law of the informant had been constructing the house in his field

despite the stay order passed by the Court. Therefore, the informant, her husband went there and asked accused No.1 Devidas as to why he was making construction when there is stay order. At that time, Devidas started beating the informant and her husband. He also abused them. Devidas took iron rod from the construction material and started to beat the informant. When her husband intervened, all other accused beat him by fist and kick blows and sticks. The informant was taken to the hospital. Due to assault her leg is fractured.

4. It is the contention of the learned counsel for the applicant that the allegations against the applicant are that he assaulted with wooden stick to husband of the informant. Learned counsel further submitted that the informant has sustained fracture injury due to the assault of accused No.1 Devidas. Considering the allegations against the applicant, his custodial interrogation is not required. Learned counsel further submitted that the co-accused against whom similar allegations are made like the applicant, have been released on bail by the Sessions Court. Hence he requested to allow the application.

5. It is the contention of the learned APP that the applicant alongwith co-accused assaulted the first informant and her husband

with iron rod and wooden stick with intention to kill her husband. Learned A.P.P. further submitted that the applicant has used the weapon stick to assault the informant and her husband and to recover the same, the custodial interrogation of the applicant is required. Hence he 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. The allegations against the applicant are that he alongwith co-accused assaulted the informant and her husband with the weapon stick. The informant has sustained injury due to the assault made by accused No.1 Devidas. Medical papers of the husband of the informant is not produced on record as to what injuries he had suffered. Considering the nature of 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 No.2 Baban Rajaram Mandge on 13.06.2024 stands confirmed on the same terms and conditions with following modification:-

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

(SHIVKUMAR DIGE, J.)

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