



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

77 ANTICIPATORY BAIL APPLICATION NO. 990 OF 2024

- 1) Avinash Nivrutti Kathe
- 2) Hrushikesh Purushottam Dhimate ...Applicants

Versus

1. The State of Maharashtra
2. The Superintendent of Police
Ahmednagar ...Respondents

...
Advocate for Applicant : Mr. Bhosle Santosh C.
APP for Respondents: Mrs. R.R. Tandale

.....

CORAM : SHIVKUMAR DIGE, J.
DATED : 22nd JULY, 2024.

PER COURT :-

1. The applicants apprehend arrest in connection with crime No. 225 of 2024 registered with Sangamner Police Station, district Ahmednagar, for the offence punishable under sections 307, 324, 323, 143, 147, 148, 149 of Indian Penal Code.

2. It is the prosecution's case that on 12.3.2024 at around 00.30 a.m. when the informant had been to his friend Dheeraj Pawde, at that time, the applicants assaulted his friend Dheeraj. It is alleged that co-accused assaulted the informant and his friend by sickle, wooden stick and iron bar. It is alleged that co-accused Sahil and

Nilesh hit a stone on the head of the informant due to which he fell unconscious. He was admitted in the hospital. Thereafter, he lodged the complaint against the co-accused and the present applicants.

3. It is the contention of the learned counsel for the applicants that the applicants have been falsely implicated in this crime. No role is attributed in the F.I.R. against the applicants. Considering the allegations against the applicants, their custodial interrogation is not required and requested to allow the application.

4. It is the contention of the learned APP that the applicants were the part of unlawful assembly to assault the informant and his friend. Due to the said assault, the informant had suffered grievous injury. The custodial interrogation of the applicants is required. Hence, requested to reject the application.

5. I have heard both the learned counsel. Perused the F.I.R. and the police papers produced on record. In the F.I.R. there are no allegations against the applicants that they assaulted the informant or his friend. It is mentioned that they were part of the group which assaulted the informant and his friend. Considering the allegations against the applicants, their 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 applicants vide order dated 24.06.2024 stands confirmed on the same terms and conditions with following modification :-
 - (a) the applicants shall attend the concerned police station as and when required by the Investigating Officer.

(SHIVKUMAR DIGE, J.)

rlj/