



(This order is corrected as per the order dated 18th September, 2024)

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

954 ANTICIPATORY BAIL APPLICATION NO. 1043 OF 2024

SURESH SHANKARRAO KAMBALE

VERSUS

THE SUPERINTENDENT OF POLICE AND ANOTHER

...

Advocate for Applicant : Mr. Kiran P. Rathod

APP for Respondent/State : Ms.M.L. Sangit

Advocate for assist to P.P. : Mr. S. J. Salunke

...

WITH

ANTICIPATORY BAIL APPLICATION NO. 1325 OF 2024

1. Ramji Laxman Kure
2. Akash @ Laxhan Laxman Kure

..APPLICANTS

VERSUS

The Superintendent of Police
and another.

..RESPONDENTS

...

Advocate for Applicant : Mr. Kiran P. Rathod

APP for Respondent/State : Ms.M.L. Sangit

...

CORAM : **SHIVKUMAR DIGE, J.**

DATE : 4th September, 2024.

P.C.:

1. Both these applications are out of the same F.I.R., hence I am deciding these applications by this common order.
2. The applicants apprehend arrest in connection with FIR No.0298 of 2024 registered with Jintur Police Station, Dist. Parbhani, for the offences punishable under sections 143, 147, 148, 149, 307, 326, 506

of the Indian Penal Code (For short, "IPC").

3. It is prosecution's case that there was quarrel between the informant and applicant – Akash Kure in the procession of Dr.Babasaheb Ambedkar Jayanti and at that time, applicant – Akash Kure threatened to kill the informant and he had anger in his mind against the informant. It is alleged that on 13th May, 2024 around 9:00 p.m., when the informant was standing in front of Jay Bhavani Lodge, Jintur, at that time, the applicants along with one unknown person came there. They were holding the sickle, iron rod and knife in their hands. They came near to the informant and told that not to spare the life of informant. It is alleged that the applicant – Akash assaulted with sickle on his head whereas applicant – Ramji and Suresh assaulted with iron rod on the left leg of the informant. It is alleged that they assaulted the informant with an intention to kill him. By hearing shouts of the informant, other persons came there and the applicants ran away.

4. It is contention of the learned counsel for the applicants that the applicants have been falsely implicated in this case. The counter case is filed against the informant. The informant had suffered simple injuries. The matter is settled between the informant and applicants. Considering the allegations against the applicants, the custodial interrogation of the applicants is not required and requested to allow the applications.

5. It is contention of the learned APP that the applicants have tried to kill the informant. They assaulted him with deadly weapons. The informant had injured in the said attack. Considering the allegations against the applicants, the custodial interrogation of the applicants is required and requested to reject the applications.

6. It is contention of the learned counsel for assist to P.P. that the matter is settled between the informant and applicants, hence the informant has no objection to allow the applications.

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

8. The allegations against the applicants are that they all assaulted the informant with weapons with an intention to kill him. The injury certificate of the informant shows that he had suffered simple injuries. Moreover, the matter is settled between the informant and applicants and the informant has no objection to allow the applications. Considering these facts, the custodial interrogation of the applicants is not required and I pass the following order :-

ORDER

(i) The applications are allowed.

(ii) In the event of arrest of the applicants in connection with FIR No.0298 of 2024 registered with Jintur Police Station, Dist. Parbhani, for the offences punishable under sections 143, 147, 148, 149, 307, 326, 506 of the Indian Penal Code, the applicants be released on

executing personal bond in the sum of Rs.25,000/- each with one surety of the like amount by each of them, on the following conditions :-

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

[SHIVKUMAR DIGE, J.]

sga