



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

963 ANTICIPATORY BAIL APPLICATION NO. 1081 OF 2024

1. Ashok Dadabhau Dalvi
2. Somnath Shahji Khandave
3. Balasaheb Dnyandev Kotkar

..APPLICANTS

-VERSUS-

. State of Maharashtra

..RESPONDENT

Advocate for Applicants : Mr. Kotkar Sanjay D.
APP for Respondent/State: Mrs.M.L. Sangit

...
CORAM : **SHIVKUMAR DIGE, J.**

DATE : 6th August, 2024.

P.C.:

1. The applicants apprehend arrest in connection with FIR No.503 of 2024 registered with M.I.D.C. Police Station, Tq. Nagar, Dist.Ahmednagar for the offences punishable under sections 143, 147, 148, 149, 323, 324, 326, 34, 504 and 506 of the Indian Penal Code (For short, "IPC").

2. It is prosecution's case that on 6th June, 2024 at around 7:00 p.m., when the informant and his brother had gone to supervise the construction work of the school and they were discussing about it, at that time, at around 9:30 p.m., the applicants and co-accused came there and abused the informant and his brother why they came there. It is alleged that co-accused Atul assaulted the informant with iron rod on his left hand whereas the applicants and other co-accused assaulted the informant with wooden stick on his back. It is alleged that

due to said assault, the informant's left hand is fractured.

3. It is contention of the learned counsel for the applicants that the applicants have been falsely implicated in this case due to dispute with informant. The allegations against the applicants are that they assaulted the informant with wooden stick on his back. The informant has not suffered injuries to his back side. The learned counsel further submitted that the allegations of causing fracture to the left hand of the informant are against the co-accused Atul, who has been released on anticipatory bail by the trial Court. Considering the allegations against the applicants, their custodial interrogation is not required and requested to allow the application.

4. It is contention of the learned APP that the applicants were part of the group who assaulted the informant and his brother with iron rod and wooden stick. The applicants assaulted the informant on his back with wooden stick. Due to the said assault the informant has sustained injuries to his back and his left hand is fractured. Considering the allegations against the applicants, their custodial interrogation is required and requested to reject the application.

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

6. The main allegations are against the co-accused Atul who assaulted the informant with iron rod on the left hand. The allegations against the applicants are that they assaulted the informant with

wooden stick on his back. Injury certificate of the informant does not show that the informant has suffered injury on his back. 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) In the event of arrest of the applicants in connection with FIR No.503 of 2024 registered with M.I.D.C. Police Station, Tq. Nagar, Dist.Ahmednagar for the offences punishable under sections 143, 147, 148, 149, 323, 324, 326, 34, 504, 506 of the Indian Penal Code, the applicants be released on executing personal bond in the sum of Rs.15,000/- 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.]