



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

983 ANTICIPATORY BAIL APPLICATION NO. 1127 OF 2024

1. Gangaram Anil Hajare (withdrawn)
2. Vinayak Shankar Poul ...Applicants

versus

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

...

Advocate for Applicant : Mr. Vivekanand V. Ingale

APP for Respondents: Mr. N.B. Patil

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CORAM : SHIVKUMAR DIGE, J.
DATED : 19th JULY, 2024.

PER COURT :-

1. Learned counsel fo the applicants, on instructions, seeks leave to withdraw the application of applicant No.1 Gangaram Anil Hajare. Leave granted. The application of applicant No.1 is disposed of as withdrawn.

2. In so far as applicant Vinayak Shankar Poul is concerned, he apprehends arrest in connection with crime No.152 of 2024 registered with Tuljapur Police Station, district Dharashiv, for the offences punishable under Sections 323, 324, 427, 504, 506 r.w. 34 of I.P.C.

3. It is the prosecution's case that the informant Sunil Pawar has lodged F.I.R. stating that on 3.4.2024, at about 3.00 p.m. accused No.1 demanded money from him to consume the liquor. When the informant refused to pay the amount, on that count, accused No.1 and applicant assaulted the informant with fist and kick blows and broken his office. Then the informant called his cousin brother Somnath. It is alleged that accused No.1 has caused injury on the forehead of Somnath by means of small knife. In that incident, a gold chain of the informant weighing two Tolas has been lost.

4. It is the contention of the learned counsel for the applicant that the allegations against the applicant are that he damaged the office of the informant and assaulted with fist and kick blows and threatened the informant to kill him. Considering the allegations against the applicant, his custodial interrogation is not required and requested to allow the application.

5. It is the contention of the learned APP that the applicant alongwith co-accused assaulted the informant. His two Tolas gold chain is lost in the said scuffle. The applicant and co-accused have damaged the office of the informant. Considering the allegations against the applicant, his custodial interrogation is required and

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 assaulted the informant with fist and kick blows and he damaged the office of the informant. It is not alleged that the applicant has taken gold chain of the informant. Considering the allegations against the applicant, his custodial interrogation is not required. Hence I pass the following order :-

ORDER

- (i) The application is allowed.
- (ii) The interim anticipatory bail granted to applicant Vinayak Shankar Poul vide order dated 10.07.2024 stands confirmed on the same terms and conditions.

(SHIVKUMAR DIGE, J.)

rlj/