



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

985 ANTICIPATORY BAIL APPLICATION NO. 1129 OF 2024

1. Atul Navnath Kamble (withdrawn)
2. Akash Navnath Kamble (withdrawn)
3. Navnath Rattan Kamble
4. Prashant Baburao Gaikwad ...Applicants

versus

The State of Maharashtra ...Respondent

...
Advocate for Applicant : Mr. V.D. Gunale
APP for Respondents: Mr. R.B. Dhaware

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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 Nos.1 and 2 i.e. Atul Navnath Kamble and Akash Navnath Kamble, respectively. Leave granted. The application of applicant Nos.1 and 2 is disposed of as withdrawn.

2. In so far as applicant No. 3 Navnath Rattan Kamble and applicant No.4 Prashant Baburao Gaikwad are concerned, they apprehend arrest in connection with crime No.303 of 2024 registered with Udgir (Rural) Police Station, district Latur, for the offences punishable under Sections 326, 324, 323, 504, 506 and 34 of I.P.C.

3. It is the prosecution's case that on 4.6.2024 at about 12.00 non when the informant, his father and uncle were working in their field, at that time, accused Nos. 1 and 2 and applicants went in their field with axe, sickle and sticks and assaulted the informant, his father and uncle on the ground that they broke the border line of the field. It is alleged that the applicants had assaulted the informant with wooden stick.

4. It is the contention of the learned counsel for the applicants that the allegations in the F.I.R. are against accused Nos. 1 and 2 that they had assaulted the informant, his father and uncle with axe and sickle. The applicants had assaulted with wooden stick. Considering the allegations against the applicants, their custodial interrogation is not required and requested to allow the application.

5. It is the contention of the learned APP that the applicants alongwith co-accused assaulted the informant, his father and uncle when they were working in their field with intention to cause grievous injuries to them. Due to the said assault, the informant and his uncle had suffered simple injuries whereas the father of the informant had suffered grievous injury. For recovery of the weapons used in the assault, the custodial interrogation of the applicants is required.

Hence 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 applicants are that they assaulted the informant on his back with wooden stick. The injury sustained by the informant is simple in nature caused by the wooden stick. Considering the allegations against the applicants, their custodial interrogation is not required. Hence I pass the following order :-

ORDER

- (i) The application is allowed.
- (ii) In the event of arrest of the applicants in connection with crime No.303 of 2024 registered with Udgir (Rural) Police Station, district Latur, for the offences punishable under Sections 326, 324, 323, 504, 506 and 34 of I.P.C. 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 condition :-
 - (a) the applicants shall attend the concerned police station as and when required by the Investigating Officer.

(SHIVKUMAR DIGE, J.)

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