



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

977 ANTICIPATORY BAIL APPLICATION NO. 1170 OF 2024

1) Mohan Bhanudas Mali

2) Pandit Bhanudas Mali

VERSUS

The State of Maharashtra

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Advocate for Applicant : Mr. Khade Kishor D.

APP for Respondents: Mr. P.K. Lakhotiya

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CORAM : SHIVKUMAR DIGE, J.

DATED : 13th AUGUST, 2024.

PER COURT :-

1. The applicants apprehend arrest in connection with crime No.497 of 2024 registered with Shevgaon Police Station, district Ahmednagar, for the offences punishable under Sections 307, 324, 326, 504 and 506 of the Indian Penal Code.

2. It is the prosecution's case that on 04.06.2024, at about 7.00 a.m. there was dispute between the nephew of the informant and applicant No.2. Thereafter, at about 8.00 a.m. applicant No.1 Mohan called the informant near cow shed and when the informant went there, it is alleged that co-accused the the applicants assaulted the informant with Gupti, wooden sticks, knife and sickle with intention to kill him. Due to the shouts of the informant, his nephew and other family members came to rescue the informant. It is alleged that the

co-accused assaulted the informant with intention to kill him.

3. It is the contention of the learned counsel for the applicants that the applicants have been falsely implicated in this case. The allegations against applicant No.1 that he assaulted witness Rushikesh Kalyan Deshmukh with wooden stick on his left hand and back, whereas the allegations against applicant No.2 are that he gave a blow of stone on the head of witness Kalyan. Learned counsel further submitted that both the witnesses have suffered simple injuries. 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 and co-accused assaulted the informant and the witnesses with deadly weapons with intention to kill them. The applicants have assaulted witness with stone and wooden sticks. 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 the police papers produced on record. The allegations against the applicant No.1 are that he assaulted witness Rushikeh Deshmukh

with wooden stick on his hand and back and allegations against applicant No.2 are that he gave a blow of stone on the head of witness Kalyan. The injury certificates of both these witnesses show that they have suffered simple injuries. Considering these facts, the custodial interrogation of the applicants 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 crime No.497 of 2024 registered with Shevgaon Police Station, district Ahmednagar, for the offences punishable under Sections 307, 324, 326, 504 and 506 of the Indian Penal Code, the applicant be released on executing personal bond in the sum of Rs.20,000/- with one surety of the like amount, 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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