



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

76 ANTICIPATORY BAIL APPLICATION NO. 1189 OF 2024

1. Anurath @ Gulab Dattaram Kadam (withdrawn)
2. Rashtrapal Gautam Bhawe (withdrawn)
3. Keshav Bhagwan Kandhare ...Applicants

versus

The State of Maharashtra and another ...Respondents

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Advocate for Applicant : Mr. D. M. Shinde
APP for Respondents: Mr. P. P. Dawalkar

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CORAM : SHIVKUMAR DIGE, J.
DATED : 9th SEPTEMBER, 2024.

PER COURT :-

1. The learned counsel for the applicants, on instructions, seeks leave to withdraw the application on behalf of applicant Nos.1 and 2. In view of the submission of learned counsel for the applicants, leave granted. The application to the extent of applicant Nos. 1 and 2 is disposed as withdrawn.
2. Leave to correct the name of applicant No.3. The applicant No.3 apprehends arrest in connection with crime No. 124 of 2024 registered with Malakoli Police Station, district Nanded, for the offences punishable under Sections 395, 307, 324, 323, 143, 147, 148, 149, 504, 506 of the Indian Penal Code.

3. It is the prosecution's case that on 28.5.2024 around 7.00 to 7.50 a.m. the informant received information that his uncle was being beaten by some people near Statue of Chhatrapati Shivaji Maharaj, hence, he alongwith his relatives went there. There, he saw that the applicant and co-accused were assaulting his uncle and abusing him. When the informant asked them why they are assaulting his uncle, at that time, co-accused Anurath told the informant that the informant has complacency about his post and now he will show the informant his power. Then co-accused Anurath asked the co-accused Rashtrapal to caught hold the informant and then co-accused Anurath and Rashtrapal assaulted the informant with iron rod on his head with intention to kill him. It is alleged that co-accused Keshav assaulted on the head of the brother-in-law of the informant with iron rod. When the relatives of the informant came to rescue them, at that time, co-accused assaulted them with wooden stick and stone. It is alleged that when the informant's uncle tried to flee from the spot of incident, at that time, the applicant and co-accused assaulted him and took Rs.20,000/- and mobile from his pocket. It is alleged that co-accused Anurath and Rashtrapal took out gold ring of 5 grams from the finger of the informant. The allegations against the applicant are that he assaulted the Madhav brother-in-law of the informant with iron rod on his head.

4. It is the contention of the learned counsel for the applicant that the applicant has been falsely implicated in this case. The injuries suffered by the witness Madhav are simple in nature. 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 and co-accused assaulted the informant and his uncle with iron rod and wooden stick with intention to kill them. The informant and his uncle had suffered grievous injuries. The applicant has criminal antecedents. Considering these facts, the custodial interrogation of the applicant 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's brother in law with iron rod on his head. The injury certificate of witness Madhav shows that he had suffered simple injuries. Considering the allegations against the applicant, his 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 applicant in connection with crime No. 124 of 2024 registered with Malakoli Police Station, district Nanded, for the offences punishable under Sections 395, 307, 324, 323, 143, 147, 148, 149, 504, 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 applicant shall attend the concerned police station as and when required by the Investigating Officer and produce the iron rod to the investigating officer.

(SHIVKUMAR DIGE, J.)

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