



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

997 ANTICIPATORY BAIL APPLICATION NO. 1199 OF 2024

RASHTRAPAL SHIVAJI GAJBHARE
VERSUS
THE STATE OF MAHARASHTRA

...
Advocate for Applicant : Mr. Rathod Vivek Uttamrao
APP for Respondent/State : Mr.S.P. Sonpawale

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

DATE : 31st July, 2024.

P.C.:

1. The applicant apprehends arrest in connection with FIR No.65 of 2024 registered with Limbgaon Police Station, Dist. Nanded, for the offences punishable under sections 341, 307, 323, 143, 147, 148, 149, 504 and 506 of the Indian Penal Code (For short, "IPC").
2. It is the prosecution's case that on 18th May, 2024, when the informant was going for his work, at around 10:30 a.m. he reached near Chakradhar Swami Math, at that time, accused no.1 was standing there with rod and accused no.2 Namdeo was standing with axe and co-accused Gamdeo was standing with wooden stick. They stopped the vehicle of the informant. There co-accused Namdeo assaulted the informant saying that why he looking at his wife and why he had come to his house. Then the informant tried to ran away, at that time, it is alleged that all co-accused and applicant chased him and made him to fell on the ground and assaulted with iron rod, wooden stick. It is

alleged that the applicant assaulted the informant with fist and kick blows.

3. It is contention of the learned counsel for the applicant that the applicant has been falsely implicated in this case. The allegations against the applicant are that he assaulted the informant with fist and kick blows. Considering the allegations against the applicant, his custodial interrogation is not required and requested to allow the application.

4. It is contention of the learned APP that the applicant was part of group, who assaulted the informant with iron rod and wooden stick. Due to said assault the informant has sustained the grievous injuries. Considering the allegations against the applicant, his 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 allegations against the applicant are that when the informant fell on ground, the applicant assaulted him with fist and kick blows. Considering the allegations against the applicant, his custodial interrogation is not necessary and I pass the following order :-

ORDER

(i) The application is allowed.

(ii) In the event of arrest of the applicant in connection with FIR No.65 of 2024 registered with Limbgaon Police Station, Dist. Nanded,

for the offences punishable under sections 341, 307, 323, 143, 147, 148, 149, 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 conditions :-

(a) the applicant shall attend the concerned police station as and when required by the Investigating Officer.

[SHIVKUMAR DIGE, J.]

sga