



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

986 ANTICIPATORY BAIL APPLICATION NO. 1219 OF 2024

1. Govind Limbaji Ghobale
2. Limbaji @ Vijay Govind Ghobale

..APPLICANTS

-VERSUS-

1. State of Maharashtra
2. The Superintendent of Police

..RESPONDENTS

Advocate for Applicants : Mr. Sawant Eknath P.
APP for Respondent/State: Mr.C.V. Bhadane

CORAM : **SHIVKUMAR DIGE, J.**

DATE : 20th August, 2024.

P.C.:

1. The applicants apprehend arrest in connection with FIR No.361 of 2024 registered with Police Station, Gangakhed, Dist. Parbhani, for the offences punishable under sections 307, 323, 324, 143, 144, 147, 148, 149, 504, 506 of the Indian Penal Code (For short, "IPC") and section 4 read with 25 of the Arms Act and section 135 of the Maharashtra Police Act.

2. It is prosecution's case that on 6th June, 2024 around 2:45 p.m. when the informant, his son, his nephew and his friend were standing in Dilkash Chowk, at that time, accused no.1 Haribhau came there with co-accused and the applicant on motorcycle. It is alleged that accused no.1 Haribhau was holding sword in his hand. Applicant no.2 Limbaji was holding Gupti in his hand and applicant no.1 was holding iron rod whereas the other co-accused were holding hockey sticks. It is alleged

that the applicant and co-accused assaulted the informant, his son, his nephew and his friend with an intention to kill them. It is alleged that applicant no.2 gave blow of *Gupti* on both legs of the informant whereas applicant no.1 assaulted the informant with iron rod on his back.

3. It is contention of the learned counsel for the applicants that the applicants have been falsely implicated in this case. Accused no.1 has filed F.I.R. against the informant under the Atrocities Act. To counter the said complaint, the present complaint is filed against the applicants. The learned counsel further submitted that the injuries sustained by the informant and witnesses are simple in nature. Considering the allegations against the applicants, their custodial interrogation is not required and requested to allow the application.

4. It is contention of the learned APP that the applicants and co-accused assaulted the informant, his son, nephew and friend with deadly weapons with an intention to kill them. In the said assault, the informant, his son, nephew and friend are seriously injured. The learned APP further submitted that against applicant no.1 Govind, four offences are registered. 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 police papers produced on record.

6. The allegations against the applicants are that they assaulted the injured witnesses. Injury certificates of 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 FIR No.361 of 2024 registered with Police Station, Gangakhed, Dist.Parbhani, for the offences punishable under sections 307, 323, 324, 143, 144, 147, 148, 149, 504, 506 of the Indian Penal Code and section 4 read with 25 of the Arms Act and section 135 of the Maharashtra Police Act, 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 conditions :-
 - (a) the applicants shall attend the concerned police station as and when required by the Investigating Officer.

[SHIVKUMAR DIGE, J.]