



IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
BENCH AT AURANGABAD

988 ANTICIPATORY BAIL APPLICATION NO. 1223 OF 2024

1. Sudhakar Anandrao Kakade
2. Suresh Anandrao Kakade

VERSUS

The State of Maharashtra and another

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Advocate for Applicant : Mr. Dhananjay M. Shinde  
APP for Respondents: Mr. C.V. Bhadane

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**CORAM : SHIVKUMAR DIGE, J.**  
**DATED : 13<sup>th</sup> AUGUST, 2024.**

**PER COURT :-**

1. The applicants apprehend arrest in connection with crime No.160 of 2024 registered with Kinwat Police Station, district Nanded, for the offences punishable under Sections 326, 324, 323, 504, 506, 427 r.w. 34 of the Indian Penal Code.

2. It is the prosecution's case that there is land dispute between the applicants and the informant. On 14.6.2024, at about 7.05 a.m. when the informant was proceeding to his shop and reached in front of the house of co-accused Pawan Kakade, the latter stopped his vehicle and started quarreling. He caught the informant's collar and dragged him out of the car. The informant started shouting. The applicant No.1 Sudhakar, applicant No.2 Suresh and co-accused Kalawati arrived there. It is alleged that co-accused Pawan started

thrashing the informant with wooden stick. The Informant's parents arrived there. At that time, accused Nos. 1 and 2 gave blows of wooden sticks on the leg of mother of the informant, Urmilabai causing grievous injuries to her. Co-accused Kalawati hit Urmilabai with fist and kick blows after pooling her hairs. It is alleged that the applicants and co-accused damaged the informant's car.

3. It is the contention of the learned counsel for the applicants that the applicants have been falsely implicated in this case. In respect of this incident, counter F.I.R. is registered at the instance of the applicants. The co-accused Pawan, who had assaulted the mother of the informant Urmilabai, has been released on bail. 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 alongwith the co-accused assaulted the informant, his mother and father. In the said assault, they have suffered grievous injuries. 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

applicants are that they assaulted with wooden stick on the leg of mother of the informant i.e. Urmilabai. In the F.I.R. it is mentioned that the said quarrel was sorted out by witnesses Manjusha Dudhnale and Vaijinath Kakade. The police have recorded the statements of these two witnesses. In the statements, these witnesses have stated that the mother of the informant was assaulted by the accused Pawan Kakade. The said Pawan Kakade has been released on bail. 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) The interim anticipatory bail granted to the applicants vide order dated 02.08.2024 stands confirmed on same terms and conditions with following modification:-
  - (a) the applicants shall attend the concerned police station as and when required by the Investigating Officer.

**(SHIVKUMAR DIGE, J.)**

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