



This order has been corrected pursuant to order of speaking to the minutes dated 14/10/2024.

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

CRIMINAL APPEAL NO. 672 OF 2024

**DHANNUSINGH @ DHANWANTSINGH JOGINDERSINGH BUNGAI AND
OTHERS
VERSUS
THE STATE OF MAHARASHTRA**

Mr. Rajendrraa Deshmukh, Senior Advocate a/w R. G. Dodiya i/b Mr. D.
R. Deshmukh, Advocate for the appellants
Mr. P. K. Lakhotiya, APP for the respondent/State
Mr. D. M. Shinde, Advocate for respondent no.2.

**AND
ANTICIPATORY BAIL APPLICATION NO. 1260 OF 2024**

**DEEPAK INDRAJEET HINGOLE AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER**

Mr. D. M. Shinde, Advocate for the appellants
Mr. P. K. Lakhotiya, APP for the respondent/State
Mr. Rajendrraa Deshmukh, Senior Advocate a/w R. G. Dodiya i/b Mr. D.
R. Deshmukh, Advocate for Assist to APP.

CORAM : R. M. JOSHI, J.

DATE : 10th OCTOBER, 2024

PER COURT :-

1. These proceedings are arising out of two first information reports lodged in respect of same incident. The Crime No. 221/2024 is registered for the offences punishable under Sections 326, 324, 506 r/w 34 of IPC and Sections 3(1)(r), 3(1)(s) of Scheduled Castes and

Scheduled Tribes (Prevention of Atrocities) Act. Whereas Crime No. 226/2024 is registered for the offences punishable under Sections 307, 323, 504, 506 r/w 34 of IPC with Ardhapur Police Station, Dist. Nanded.

2. In both proceedings informant has not seriously challenged to the grant of pre arrest bail to the accused persons.

3. There is no dispute about the fact that out of one incident two counter reports came to be lodged. Prima faice perusal of the record indicates that though there is allegation in the crime No. 226/2024 about the offence under Section 307 of IPC, prima facie this Court finds substance in the contention of the learned counsel for the appellants that the offence under Section 307 of IPC may not get attracted owing to the nature of injuries caused to the injured. Similarly, *prima facie* there is doubt about applicability of the provisions of Atrocities Act.

4. At this stage it can be said that this is case wherein there was a free fight between both groups. It is the difficult at this stage to hold as to who was the aggressor in order to put blame on that side. There is already interim relief granted in both proceedings. The accused have cooperated in investigation. There is no grievance that they committed breach of order of protection from arrest. As such, this is a fit case for confirmation of interim relief.

5. Criminal Appeal No. 672 of 2024 stands disposed of in terms

of interim order dated 31/07/2024 and Anticipatory Bail Application No. 1260 of 2024 stands disposed in terms of interim orders dated 24/07/2024 and **01/08/2024**.

6. The observations made in this order are restricted to the present proceedings and trial Court not to get influenced by the same.

(R. M. JOSHI, J.)

ssp