



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

1021 ANTICIPATORY BAIL APPLICATION NO. 1317 OF 2024

AKSHAY VITTHAL DHAKNE

VERSUS

THE STATE OF MAHARASHTRA AND ANOTHER

...

Advocate for Applicant : Mr. Patekar Narendra B.

APP for Respondent/State : Ms.M.L. Sangit

...

WITH

CRIMINAL APPLICATION NO. 3483 OF 2024

IN ABA/1317/2024

JAVED BABMIYA @ SHERIFODDIN SHAIKH AND ANOTHER

VERSUS

THE STATE OF MAHARASHTRA AND ANOTHER

...

Advocate for Applicants : Mr. Zambare Sudheer Ramdas

APP for Respondent/State : Ms. M.L. Sangit

Advocate for respondent no.2 : Mr. N.B. Patekar

...

CORAM : **SHIVKUMAR DIGE, J.**

DATE : 14th August, 2024.

P.C.:

1. The applicant in Anticipatory Bail Application No.1317 of 2024 apprehends arrest in connection with FIR No.149 of 2024 registered with Chaklamba Police Station, Tq. Georai, Dist. Beed, for the offences punishable under sections 307, 324, 326, 435, 395, 504, 506 of the Indian Penal Code (For short, "IPC").

2. It is prosecution's case that on 24th May, 2024 around 9:00 p.m., the applicant and co-accused assaulted the informant and his friend with iron rod, wooden stick and iron bar with an intention to kill them.

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 witness Datta Jadhav with iron rod. The learned counsel further submitted that the matter is settled between the informant, injured witness, applicant and co-accused. Custodial interrogation of the applicant is not required and requested to allow the application.

4. It is contention of the learned APP that the applicant along with co-accused assaulted the informant and his friend with iron rod with an intention to kill them. Though the matter is settled, it can not be a ground to allow the application. Considering the allegations against the applicant, his custodial interrogation is required and requested to reject the application.

5. It is contention of the learned counsel for the informant and injured witness Datta Jadhav that the matter is settled between the applicant, informant and injured witness. They have no objection to allow the application. The learned counsel further submitted that the informant and injured witness Datta Jadhav have filed application/affidavit in that regard.

6. I have heard all the learned counsel. Perused the F.I.R. and police papers produced on record.

7. The allegations against the applicant are that he assaulted the witness Datta Jadhav. The informant and injured witness Datta Jadhav

have no objection to allow the application. Considering these facts, custodial interrogation of the applicant 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 FIR No.149 of 2024 registered with Chaklamba Police Station, Tq. Georai, Dist. Beed, for the offences punishable under sections 307, 324, 326, 435, 395, 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 conditions :-
 - (a) the applicant shall attend the concerned police station as and when required by the Investigating Officer.
- (iii) In view of the disposal of Anticipatory Bail Application, Criminal Application No.3483 of 2024 stands disposed of.

[SHIVKUMAR DIGE, J.]

sga