



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

1000 ANTICIPATORY BAIL APPLICATION NO. 1327 OF 2024

1. Bhagwan Rangnath Misal
 2. Ankush Tukaram Kolhe
 3. Adinath Ramnath Kolhe
 4. Sitaram Damodhar Misal
 5. Parasram Tukaram Kolhe
 6. Shubham Sambhaji Kirjat
- ...Applicants

Versus

1. The State of Maharashtra
 2. The Superintendent of Police
Aurangabad
- ...Respondents

...

Advocate for Applicants : Mr. Abhaysinh K. Bhosle

APP for Respondents: Mr. S.B. Jadhav

Advocate to assist the A.P.P.: Mr. D.G. Nagode

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CORAM : SHIVKUMAR DIGE, J.

DATED : 21st AUGUST, 2024.

PER COURT :-

1. The learned counsel for the applicants, on instructions, seeks to withdraw this application on behalf of applicant Nos. 1, 5 and 6. Learned counsel submits that the applicant No.2 is arrested during pendency of this application. Considering the submission of learned counsel for the applicants, the application is disposed of as withdrawn as against applicant Nos. 1, 5 and 6 and has become infructuous as against applicant No.2.

2. In so far as applicant Nos. 3 and 4 are concerned, they apprehend arrest in connection with crime No.319 of 2024 registered with Bidkin Police Station, district Chhatrapati Sambhajinagar, for the offences punishable under Sections 109, 115(2), 118(1), 189(2), 190, 191(2), 191(3), 351(2), 351(3), 352 of Bhartiya Nyay Sanhita.

3. It is the prosecution's case that on 7.7.2024 around 1.00 a.m. when the informant had gone to give water to his crops in his field, at that time, it is alleged that the applicants and co-accused assaulted the informant with sharp weapon with an intention to kill him.

4. It is the contention of the learned counsel for the applicants that the applicants have been falsely implicated in this case. No specific allegations are made against applicant No.3 whereas allegations against applicant No.4 are that he pressed the neck of the informant but the informant has not suffered any injury to his neck. Considering the allegations against the applicants, their custodial interrogation is not required and requested to allow the application.

5. It is the contention of the learned APP alongwith the learned counsel to assist the A.P.P. that the applicants and co-accused assaulted the informant with sharp weapon with an intention to kill him. Due to the assault, the informant was lying on the ground and

at that time, the applicant No.4 pressed his neck with intention to kill him. The applicant No.3 assaulted the informant. Considering the allegations against the applicants, their custodial interrogation is required and requested to reject the application.

6. I have heard all the learned counsel. Perused the F.I.R. and the police papers produced on record. There are no specific allegations against applicant No.3 in the F.I.R. The allegations against the applicant No.4 that he pressed the neck of the informant when he was lying on the ground, but the injury certificate of the informant produced on record does not show any finger marks on the neck. There is no injury to the informant. 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 crime No.319 of 2024 registered with Bidkin Police Station, district Chhatrapati Sambhajnagar, for the offences punishable under Sections 109, 115(2), 118(1), 189(2), 190, 191(2), 191(3), 351(2),

351(3), 352 of Bhartiya Nyay Sanhita, the applicants be released on executing personal bond in the sum of Rs.20,000/- each with one surety of the like amount by each of them, on the following condition :-

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

(SHIVKUMAR DIGE, J.)

rlj/