



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

ANTICIPATORY BAIL APPLICATION NO. 1330 OF 2024

1. Amar S/o Asaram Gaikwad
2. Rushi @ Rushikesh S/o Asaram Gaikwad ... Applicants

VERSUS

The State Of Maharashtra ... Respondent

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Mr. Nilesh S. Ghanekar, Advocate for Applicants
Mr. D.B. Bhange, APP for Respondent – State

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[CORAM : NITIN B. SURYAWANSHI, J.]

DATE : 29th AUGUST, 2024

ORDER :

1. Applicants apprehend arrest in C.R. No.327/2023, registered with Shivaji Nagar Police Station, Dist. Beed, for offence punishable under Sections 160, 307, 324, 326, 323, 504, 506, 143, 147, 148, 149 of the Indian Penal Code, Sections 3, 4/25 of the Arms Act and Section 135 of the Maharashtra Police Act.

2. Amol Ganesh Gurle, Police Sub-Inspector, Shivajinagar Police Station, Dist. Beed, lodged the FIR alleging that on 16/06/2023 at about 12:25 Hours, there was free fight between the groups of Asaram Gaikwad and Subhash Jadhav, for unknown reason, at Kalikanagar, Beed. Persons in both the groups used country made pistol, sword, sticks and iron rods and attacked on each other.

3. Heard learned advocate for applicants and learned APP for respondent-State. Perused the investigation papers and charge-sheet.

4. During investigation it is revealed that there was free fight between groups of Asaram Gaikwad and Subhash Jadhav. Both the groups have lodged FIR against each other, registered at C.R. Nos.327/2023 329/2023 and 336/2023, with Shivajinagar Police Station, Beed, for offences punishable under Section 307 of I.P.C. and Sections 3/25, 4/25 of the Arms Act.

5. Charge-sheet is filed in the present crime on 13.09.2023 and role attributed to applicants is that they participated in free fight between two groups and were carrying stumps. Perusal of injury certificate does not show that injuries are caused by use of stumps. Even the injured witnesses do not attribute the overt act to the present applicants. The stumps allegedly used by applicants are already recovered from co-accused.

6. This Court granted anticipatory bail to co-accused Subhash Chandrakant Jadhav in Anticipatory Bail Application No.1775 of 2023 and Parasram Gautam Gaikwad in Anticipatory Bail Application No.1116/2023. Anticipatory Bail

Application Nos.560/2024, 446/2024 filed by Nilesh Suresh Jadhav and Nikhil Nagnath Sapkal are allowed by this Court vice order dated 22.04.2024. Therefore, applicants are entitled for anticipatory bail on the ground of parity.

7. Since the investigation is over and custodial interrogation of applicants is not necessary for the purposes of investigation, since applicants have no criminal antecedents, application deserves to be allowed.

9. In the result, application is allowed.

9. In the event of arrest of applicants in connection with C.R. No.327/2023, registered with Shivaji Nagar Police Station, Dist. Beed, for offence punishable under Sections 160, 307, 324, 326, 323, 504, 506, 143, 147, 148, 149 of the Indian Penal Code, Sections 3, 4/25 of the Arms Act and Section 135 of the Maharashtra Police Act, applicants Amar S/o Asaram Gaikwad and Rushi @ Rushikesh S/o Asaram Gaikwad be released on executing Personal Bond Rs.25,000/- each, with one surety in the like amount.

10. Applicants shall not tamper the prosecution evidence.

[NITIN B. SURYAWANSHI]
JUDGE