



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD
949 ANTICIPATORY BAIL APPLICATION NO. 1331 OF 2024

1. Namdeo Gopalrao Bhambale (withdrawn)
(in FIR Balu Bhambale)
2. Pradip Mahadev Kajale (withdrawn)
(in FIR Balu Kajale)
3. Vijay Ramkishan Khiste ...Applicants
(in FIR Vijay Khisti)

Versus

1. The State of Maharashtra
2. The Superintendent of Police
Parbhani ...Respondents

Advocate for Applicants : Mr. Sudarshan J. Salunke
APP for Respondents: Mr. P.K. Lakhotiya

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CORAM : SHIVKUMAR DIGE, J.
DATED : 19th SEPTEMBER, 2024.

PER COURT :-

1. The learned counsel for the applicants, on instructions, seeks leave to withdraw the application on behalf of applicant Nos. 1 and 2. Considering his submission, leave granted. The application to the extent of applicant Nos. 1 and 2 is disposed of as withdrawn.
2. Insofar as the applicant No.3 Vijay Ramkishan Khiste (in FIR Vijay Khisti) is concerned, he apprehends arrest in connection with crime No. 345 of 2024 registered with Jintur Police Station, district Parbhani, for the offences punishable under Sections 326, 324, 504, 506 and 34 of the Indian Penal Code and under sections 4 and 25 of Arms Act, 1959.

3. It is the prosecution's case that on 1.6.2024 the informant came to Jintur for his private work. Around 3.00 p.m. he was waiting for public transport bus for going to Government Hospital, at that time, co-accused Nos. 1 and 2 met him and offered him a cup of tea. Thereafter, the co-accused and the applicant told the informant that he should not oppose Mr. Bhambale else he will be killed. When the informant tried to get away from the said spot, the co-accused and the applicant did not allow him to go. There was quarrel between them. Thereafter, the informant left the said spot and when he was near Shivajinagar Tea Point at that time, accused No.1 assaulted with iron rod on the head of the informant. He also gave blow of sword but it was avoided by the informant. It is alleged that accused No.2 Balu Kajale put a knife on the neck of the informant and threatened to kill him. It is alleged that accused No.2 assaulted with iron rod on the head of the informant.

4. It is the contention of the learned counsel for the applicant that the applicant has been falsely implicated in this case. There are no specific allegations against the applicant. Except his presence at the spot of the incident, there are no any allegations against the applicant. Considering the allegations against the applicant, his custodial interrogation is not required and requested to allow the application.

5. It is the contention of the learned APP that the applicant alongwith co-accused assaulted the informant with iron rod, sword and knife with intention to kill him. The applicant was part of group which assaulted the informant. Due to the said assault, the informant had sustained grievous injuries. Considering the allegations against the applicant, his custodial interrogation is required and requested to reject the application.

6. I have heard both the learned counsel. Perused the F.I.R. and the police papers produced on record. There are no specific allegations against the applicant about the assault to the informant. The allegations against him are that he was present at the spot of incident with accused Nos. 1 and 2. Considering these facts, the custodial interrogation of the applicant is not required and I pass the following order:-

ORDER

- (i) The application is allowed.
- (ii) The interim anticipatory bail granted to the applicant vide order dated 28.8.2024 stands confirmed on the same terms and conditions.

(SHIVKUMAR DIGE, J.)