



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

77 ANTICIPATORY BAIL APPLICATION NO. 1336 OF 2024

Dattaprasad Ashruba Jadhav

VERSUS

The State of Maharashtra and another

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Advocate for Applicant : Mr. Kawade Shrikant G.

APP for Respondents: Mr. P.K. Lakhotiya

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

PER COURT :-

1. The applicant apprehends arrest in connection with crime No.198 of 2024 registered with Beed Rural Police Station, district Beed, for the offences punishable under Sections 307, 324, 504 r.w. 34 of the Indian Penal Code and Section 4/25 of Arms Act.

2. It is the prosecution's case that on 7.6.2024 the informant and his brother in law had been to meet his sister. On next day i.e. on 8.6.2024 at about 10.00 a.m. when they were returning back, at that time, the applicant and co-accused came there. It is alleged that co-accused Santosh assaulted the informant with sword with intention to kill him and other accused caught hold the informant. It is alleged that the applicant also assaulted the informant with intention to kill him.

3. It is the contention of the learned counsel for the applicant that the applicant has been falsely implicated in this case. No specific allegations are made against the applicant in the F.I.R. that he had assaulted the informant. The main allegations are made against the co-accused. They have been arrested by the police and they are released on bail. Considering the allegations against the applicant, his custodial interrogation is not required and requested to allow the application.

4. It is the contention of the learned APP that the applicant was part of the group which assaulted the informant with intention to kill him. The learned A.P.P. further submitted that co-accused Santosh assaulted the informant with sword and other co-accused caught hold the informant. The learned A.P.P. further submitted that in the statements of witnesses, they have stated that the applicant assaulted the informant with intention to kill him. It shows the involvement of the applicant in the crime. Considering the allegations against the applicant, his custodial interrogation is required and requested to reject the application.

5. I have heard both the learned counsel. Perused the F.I.R. and the police papers produced on record. In the F.I.R. it is mentioned

that the applicant, who is maternal uncle of the accused No.1 Santosh, was present at the time of incident. Except these allegations, no specific allegations are made against the applicant. During investigation, the police have recorded the statements of witnesses. The said witnesses have stated that the applicant assaulted the informant, as the informant knows the applicant. In the F.I.R. he has stated specific role of each of the accused but he has not stated about the role of the applicant. 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 06.06.2024 stands confirmed on the same terms and conditions.

(SHIVKUMAR DIGE, J.)

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