



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

65 ANTICIPATORY BAIL APPLICATION NO. 1341 OF 2024

BABASAHEB BHIVSEN @ BHAGWAN PUND

VERSUS

THE STATE OF MAHARASHTRA AND ANOTHER

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Advocate for Applicant : Mr. Rahul R. Karpe

APP for Respondent/State : Mrs.D.S. Jape

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CORAM : **SHIVKUMAR DIGE, J.**

DATE : 26th August, 2024.

P.C.:

1. The applicant apprehends arrest in connection with FIR No.0560 of 2024 registered with Ahmednagar Camp Police Station, Dist.Ahmednagar, for the offence punishable under sections 307, 326, 324, 323, 342, 143, 147, 148, 149 of the Indian Penal Code (For short, "IPC").
2. It is prosecution's case that on 26th June, 2024, the applicant and co-accused assaulted the injured on the suspicion that he is thief. It is alleged that the applicant and co-accused assaulted the injured with wooden stick and fist and kick blows with an 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. The incident was recorded in mobile. In the said footage, it is not seen that the applicant is assaulting the injured. The learned counsel further submitted that the investigation is almost completed. Four other co-accused have been released on regular bail by Sessions Judge and requested to allow the

application.

4. It is the contention of the learned APP that the applicant and co-accused assaulted the injured with an intention to kill him on the suspicion that he is thief. The learned APP further submitted that the injured has suffered grievous injuries. On all parts of his body. Yet the investigation is not completed. The charge-sheet has not been filed. The role of the applicant is main. The applicant was main in the said assault. 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 police papers produced on record.

6. In the F.I.R. it is alleged that the applicant along with other co-accused assaulted the injured with wooden stick and fist and kick blows. It appears from the police papers that the said incident is recorded in the mobile. The police report shows that in the mobile recording, the applicant is not appearing assaulting the injured. 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) In the event of arrest of the applicant in connection with FIR No.0560 of 2024 registered with Ahmednagar Camp Police Station, Dist.Ahmednagar, for the offence punishable under sections 307, 326,

324, 323, 342, 143, 147, 148, 149 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.

[SHIVKUMAR DIGE, J.]

sga