



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

954 ANTICIPATORY BAIL APPLICATION NO. 1376 OF 2024

1. Nandu Nivrutti Randive
2. Chaitanya Swaraj Kaluram Kadam ...Applicants

Versus

The State of Maharashtra ...Respondent

Advocate for Applicant : Mr. Nikhil P. Ghanwat
APP for Respondents: Mr. P.K. Lakhotiya
Advocate for the informant : Mr. Pravin G. Patil

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CORAM : SHIVKUMAR DIGE, J.
DATED : 26th SEPTEMBER, 2024.

PER COURT :-

1. Learned counsel Mr. Pravin Patil submits that he has instructions to appear on behalf of the informant. He has tendered V.P. alongwith the affidavit of the informant, which are taken on record.

2. The applicants apprehend arrest in connection with crime No.262 of 2024 registered with Supa Police Station, district Ahmednagar, for the offences punishable under Sections 109, 115(2), 118(1), 189(2), 190, 191(2), 191(3), 351(2), 352 of Bhartiya Nyaya Sanhita 2023 and Sections 4 and 25 of Arms Act.

3. It is prosecution's case that on 6.7.2024 around 8.30 p.m. when the informant alongwith his family members were taking dinner at the outside of his house, at that time three motorcycles came there. He identified that co-accused Kiran was driving the motor cycle. The applicants and co-accused got down from the motor cycles and came to the informant. Co-accused were holding sickle and iron rod and wooden rods in their hands whereas the applicant No.2 was holding sword. The other persons were holding the wooden sticks in their hands. The applicants and co-accused abused the informant and his family members and asked them where is brother of the informant. When the informant told them that he does not know whereabouts of his brother, applicant No.2 assaulted the informant with sword on his neck with intention to kill him and applicant No.1 Nandu assaulted the informant with iron rod on his knee. It is alleged that the mother, father and other family members of the informant were assaulted by the applicants and co-accused with intention to kill them.

4. It is contention of the learned counsel for the applicants that the applicants have been falsely implicated in this case. At the time of incident, the applicants were not present at the spot of incident. The matter is settled between the parties. In the affidavit, the informant has stated that the names of the applicants are mentioned

as per the information given to the police by some villagers and some political persons and he has no objection to allow the application. Considering this fact, the custodial interrogation of the applicants is not required and requested to allow the application.

5. It is contention of the learned APP that the applicants and co-accused assaulted the informant and his family members with deadly weapons with intention to kill them. The applicants were the part of group which assaulted the informant and his family members. Applicant No.2 was holding sword in his hand and he assaulted the informant with sword which show his involvement in the crime and requested to reject the application.

6. Learned counsel for the informant submits that the matter is settled between the parties. The informant has lodged the complaint against the applicants due to misunderstanding. Learned counsel for the informant submitted that the informant and injured witnesses are present before the court and they have no objection to allow the application.

7. I have heard all learned counsel. Perused the F.I.R. and the police papers produced on record. The allegations against the applicants are that they assaulted the informant and his family

members with deadly weapons. The informant has filed an affidavit before this court stating that he has lodged the compliant against the applicants due to misunderstanding. Considering this fact, the custodial interrogation of the applicants is not required and I pass following order :-

ORDER

- (i) The application is allowed.

- (ii) The interim anticipatory bail granted to the applicants vide order dated 12.08.2024 stands confirmed on the same terms and conditions.

8. It is made clear that the observations made in this order are prima facie in nature only for the purpose of deciding this bail application and the trial court shall not get influenced by the same while concluding the trial.

(SHIVKUMAR DIGE, J.)

rlj/