



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

956 ANTICIPATORY BAIL APPLICATION NO. 1396 OF 2024

Kiran @ Anna @ Goraknath Damodhar Sonawane

VERSUS

The State of Maharashtra

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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 applicant apprehends 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 applicant Kiran was driving motor cycle. The applicant 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 accused No.2 was holding sword. The other persons were holding the wooden sticks in their hands. The applicant 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, accused No.2 assaulted the informant with sword on his neck with intention to kill him and accused No.4 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 applicant and co-accused with intention to kill them.

4. It is contention of the learned counsel for the applicant that the applicant has been falsely implicated in this case. At the time of incident, the applicant was not present at the spot of incident. The matter is settled between the parties. In the affidavit, the informant has stated that the name of the applicant and other accused persons 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 applicant is not required and requested to allow the application.

5. It is contention of the learned APP that the applicant and co-accused assaulted the informant and his family members with deadly weapons with intention to kill them. The applicant was the part of group which assaulted the informant and his family members. Considering the allegations against the applicant, his custodial interrogation is required 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 applicant 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 applicant are that the applicant and other accused persons 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 complaint against the applicant due to misunderstanding. Considering this fact, the custodial interrogation of the applicant is

not required and I pass following order :-

ORDER

- (i) The application is allowed.
- (ii) The interim anticipatory bail granted to the applicant vide order dated 14.08.2024 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/