



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

ANTICIPATORY BAIL APPLICATION NO. 1452 OF 2024

MAROTI DEORAO KAKDE AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA

Mr. R. B. Narwade Patil, Advocate for the applicants
Mrs. M. L. Sangit, APP for the respondent/State
Mr. S. S. Deogude, Advocate for the informant

CORAM : R. M. JOSHI, J.

DATE : 16th OCTOBER, 2024

PER COURT :-

1. When this Court has shown its disinclination to grant relief to applicant no.1, learned counsel for the applicants, on instructions, seeks leave to withdraw the application qua this applicant. Hence, application stands dismissed as withdrawn qua applicant no.1.

2. Applicant nos.2 and 3 apprehend arrest in connection with Crime No. 337 of 2024 registered with Ardhapur Police Station, District Nanded for the offences punishable under Sections 109, 118(1), 324(4), 352, 351(2) and 3(5) of the Bharatiya Nyaya Sanhita.

3. First informant Yogesh has reported incident occurred on 9th July, 2024 at about 7 p.m in which according to him all applicants caused assault on him in which he sustained fracture injuries. It is alleged that

the accused came to the spot with iron rod, katti and sticks and caused the said assault.

4. Learned counsel for the applicant nos.2 and 3 submits that admittedly there is a dispute between the parties and that the possibility of false implication is not ruled out. It is submitted that the incident occurred on 9th July, 2024 whereas the report is lodged after about three hours of the incident.

5. Learned counsel for the informant as well as the learned APP opposed the application. He relied upon the photographs as well as the injury certificate to contend that there are three injuries caused to the informant one of which is grievous injury. Learned APP has also drawn attention of the Court to the investigation paper including statements of witnesses recorded during the course of investigation.

6. Though there are allegations against all applicants of causing assault on the informant, the allegation in respect of use of katti, which is admittedly a sharp edged weapon is not supported by the injury certificate. If the injury was caused by the sharp edged weapon there could have been a reflection so in the injury certificate. As far as the statements of witnesses are concerned, 3 witnesses claimed to have seen the occurrence of the incident however, they do not attribute any role

against applicant nos.2 and 3 in the said assault. Thus, this Court finds substance in the contention of the learned counsel for the applicants that owing to the previous disputes, this could be a case of over implication. Hence, the order.

ORDER

(i) Application is allowed.

(ii) In the event of arrest of applicant nos.2 and 3 in connection with Crime No. 337/2024, registered with Ardhapur Police Station, Dist. Nanded for the offences punishable under Sections 109, 118(1), 324(4), 352, 351(2) and 3(5) of the Bharatiya Nyaya Sanhita, they shall be released on bail on furnishing PR Bond of Rs.15,000/- (Rupees Fifteen Thousand only) each with one solvent surety in the like amount each.

(iii) They shall not contact the witnesses directly or indirectly.

(iv) They shall not interfere with the evidence in any manner whatsoever.

(v) They are further directed to cooperate the investigating agency for further investigation.

(vi) Learned APP to communicate this order forthwith to concerned police station.

(R. M. JOSHI, J.)

ssp