

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

ANTICIPATORY BAIL APPLICATION NO. 1497 OF 2024

1. Kishor s/o Balaji Shinde
2. Balaji s/o Bhanudas Pawar
3. Ankush s/o Bhanudas Pawar
4. Kalidas s/o Bhanudas Pawar ..Applicants

VERSUS

The State Of Maharashtra ..Respondent

...
Advocate for Applicants : Mr. More P P
APP for Respondent/State : Mr. G.O. Wattamvar

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CORAM : S.G. MEHARE, J.

DATED : SEPTEMBER 19, 2024

PER COURT:-

1. Heard learned counsel for the applicants and learned APP for the State.
2. The applicants seek pre-arrest bail in Crime No.203 of 2024 registered with Murud Police Station, District Latur for the offences punishable under Sections 307, 143, 147, 148, 149, 504, 506 of the Indian Penal Code.
3. Learned counsel for the applicants on reading the FIR states that there are no allegations of use of weapon at the hands of the applicants. He also argued that considering the nature of the

injury, no offence under Section 307 of the Indian Penal Code is made out. However to make the offence grave, such sections have been applied. Referring to the FIR, he further argued that since no weapon is allegedly used in the crime at the hands of the applicants, their custodial interrogation is not essential. They are ready to co-operate with the investigation. If the custodial interrogation is allowed, no purpose would be served except the procedure.

4. Learned APP has strongly opposed the application. He would submit that to constitute an offence under Section 307 of the Indian Penal Code, injury is not essential. Applicant no.1 is instrumental to the quarrel. At his behest, other co-accused came and assaulted the injured. However, he could not satisfy the Court that the custodial interrogation of the applicants would throw a light on the investigation.

5. Perused the papers placed before the Court and the role attributed to each of the applicant. Prima facie, it appears that the applicants have not used the weapon. However, they were present on the spot of the incident. Considering the facts of the case and the allegations levelled against the applicants, the Court is of the view that custodial interrogation would serve no purpose. They deserve protection as prayed. Hence, the following order :

ORDER

- (i) Anticipatory Bail Application is allowed.

(3)

(ii) In the event of arrest, Applicants, (1) Kishor s/o Balaji Shinde, (2) Balaji s/o Bhanudas Pawar, (3) Ankush s/o Bhanudas Pawar and (4) Kalidas s/o Bhanudas Pawar, be released on anticipatory bail on furnishing P.B. and S.B. of Rs.50,000/- (Rupees Fifty Thousand only) each with one solvent surety of the like amount each in the above crime, on the conditions that;

(a) The applicants should not tamper with the prosecution witnesses.

(b) The applicants should attend the police station on every Wednesday between 10.00 am to 01.00 pm, till filing the charge sheet.

(S.G. MEHARE, J.)