



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

ANTICIPATORY BAIL APPLICATION NO. 1462 OF 2023

VAIBHAV JANRAO PATIL AND OTHERS

VERSUS

THE STATE OF MAHARASHTRA AND ANOTHER

...
Mr. Nagesh Sonune, Advocate h/f Mr. Shaikh Sohail Subhedar
Advocate for Applicants
Ms. V.S. Chaudhari, APP for Respondents – State
Mr. G.V. Wani, Advocate for Assist to PP
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CORAM : NITIN B. SURYAWANSHI, J.

DATE : 24th JANUARY, 2024

PER COURT :

1. Applicants apprehend arrest in Crime No.171/2023, registered with Muktai Nagar Police Station, Jalgaon, for offence punishable under Sections 327, 324, 323, 504, 506, 141, 143, 144, 148, 149 of the Indian Penal Code, Sections 4 and 25 of the Arms Act, 1959, and Section 37(1)(c) of the Maharashtra Police Act, 1951.

2. After arguing at length on merits, when this Court was not inclined to grant relief to applicant No.1, learned advocate for applicants, on instructions, seeks permission to withdraw application to the extent of applicant No.1. Permission granted. Application of applicant No.1 Vaibhav Janrao Patil is dismissed as withdrawn.

3. The FIR is lodged by Shaikh Samad Shaikh Sultan Khatik alleging that, on 20/05/2023 at about 10:30 a.m., Vaibhav Janrao

Patil, Ravi alias Vicky Janrao Patil, Rajendra Prabhakar Kandelkar and Chintya s/o Rajendra Kandelkar along with other four to five persons assaulted his nephew Asib. When informant tried to intervene, accused persons assaulted him and his son Shoeb. Rajendra Prabhakar Kandelkar assaulted Shoeb with sword on head. Prabhakar Maroti Sonawane was assaulted by Ravi alias Vicky Janrao Patil with knife on the back. Vaibhav assaulted informant and Anil Khirwalkar with wooden log on the head. Vaibhav snatched amount of Rs.4500/- from informant's shirt pocket and Ravi alias Vicky forcibly took Rs.5300/- from pant's pocket of Prabhakar.

4. Heard learned advocate for applicants, learned Additional Public Prosecutor for State and learned advocate assisting APP. Perused the investigation papers.

5. Multiple FIRs are lodged by informant's side and accused side against each other. Provisional injury certificate of Prabhakar Sonawane does not support allegation of assault by applicant with knife, on his back. There is no injury suffered by Prabhakar on back. Considering these aspects, *prima facie*, false implication of applicant cannot be ruled out.

6. In the result, application is allowed.

7. In the event of arrest of applicant No.2 Ravi alias Vicky Janrao Patil, in connection with Crime No.171/2023, registered with

Muktai Nagar Police Station, Jalgaon, for offences punishable under Sections 327, 324, 323, 504, 506, 141, 143, 144, 148, 149 of the Indian Penal Code, Sections 4 and 25 of the Arms Act, 1959, and Section 37(1)(c) of the Maharashtra Police Act, 1951, applicant be released on executing P.B. and S.B. of Rs.15,000/- with one surety in the like amount.

8. Applicant shall attend concerned police station from 29th January, 2024 to 01st February, 2024, everyday between 10:00 a.m. to 02:00 p.m. and shall co-operate in the investigation. Applicant shall not tamper prosecution evidence.

(NITIN B. SURYAWANSHI, J.)