



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

ANTICIPATORY BAIL APPLICATION NO.1561 OF 2023

Manda W/o Kalyan Kakade ... Applicant

VERSUS

The State of Maharashtra
and others ... Respondents

WITH
ANTICIPATORY BAIL APPLICATION NO.1562 OF 2023

Sominath S/o Namdeo Dhumal ... Applicant

VERSUS

The State of Maharashtra
and others ... Respondents

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Mr. R.C. Bramhankar h/f Mr. N.L. Jadhav, Advocate for the
Applicants

Mr. N.B. Patil, APP for Respondent Nos. 1 and 2 – State
Mr. K.R. Sharma, Advocate for Respondent No.3

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[CORAM : NITIN B. SURYAWANSHI, J.]

DATE : 07th FEBRUARY, 2024

ORDER :

1. Applicants apprehend arrest in connection with Crime
No. 334 of 2023 registered with Ashti Police Station, District
Beed for offences punishable under sections 307, 326, 325,
324, 323, 504, 506 read with section 34 of the Indian Penal
Code.

2. FIR is lodged by Rajendra Kakade alleging that on 18.07.2023 at about 15.00 to 15.30 Hrs., Kalyan Kakade, his wife Manda, son Abhishek and Sominath Namdeo Dhumal assaulted with *katti*, chopper and iron pipe. Manda assaulted on left forearm and head of informant. Kalyan assaulted with chopper on both legs. Sominath assaulted with iron pipe on both legs of informant and due to which his legs were fractured. Abhishek abused and assaulted informant with fists and kicks blows.

3. Heard learned advocate for applicants, learned APP for respondent – State and learned advocate for informant.

4. Having heard on merits at length, when this Court was not inclined to grant relief, learned advocate for the applicant, on instructions, seeks permission to withdraw application No. 1562 of 2023 of Sominath Namdeo Dhumal. Permission granted.

5. Application is dismissed as withdrawn.

6. Perusal of investigation papers show that both legs of informant are fractured and there are abrasions on both the lower legs. Injuries suffered by informant are grievous. So far as role attributed to applicant Manda Kakade, there are no

corresponding injuries in the injury certificate. *Prima facie*, her false implication of applicant Manda Kakade cannot be ruled out at this stage. Considering her gender, investigation papers and as nothing is to be recovered from her, custodial detention of applicant Manda is not necessary.

7. Application is therefore allowed by confirming interim protection granted to applicant by order dated 26.09.2023, on same terms and conditions.

[NITIN B. SURYAWANSHI]
JUDGE

S.P. Rane