



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

ANTICIPATORY BAIL APPLICATION NO. 1583 OF 2023

SHRI NARAYAN TULSHIRAM THORAT AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER

...
Mr. D.M. Shinde, Advocate h/f Mr. Laxman H. Kawale, Advocate for
Applicants
Mr. S.P. Sonpawale, APP for Respondents/State
...

CORAM : NITIN B. SURYAWANSHI, J.

DATE : 14th MARCH, 2024

PER COURT :

1. Applicants apprehend arrest in C.R. No.190/2023, registered with Nizampur Police Station, Dist. Dhule, for offence punishable under Sections 324, 323, 325, 326, 143, 147, 148, 149, 427, 504, 506 of the Indian Penal Code.

2. FIR is lodged by Suresh Motiram Koradkar alleging that
1. Narayan Tulshiram Thorat, 2. Rajendra Narayan Thorat, 3. Devidas Kisan Thorat, 4. Nilesh Narayan Thorat, 5. Aba Tulshiram Thorat, 6. Bhagwan Baba Thorat, 7. Dinesh Aba Thorat, 8. Bholu Sidha Bachakar, 9. Nathu Sidha Bachakar, 10. Pandit Yedu Karande, all residents of Raypur, Taluka Sakri and 11. Santosh Tanhu Thorat have without any reason came in intoxicated condition and assaulted informant, as panel of accused persons was defeated by informant's panel. Narayan Tulshiram Thorat gave blow of iron rod on the left hand wrist of informant, his mother was assaulted by

Rajendra Narayan Thorat by stone, other accused persons pelted stones due to which Popat Motiram Koradkar, Dagadu Tulshiram Koradkar, Bhatu Kashinath Koradkar and Yogesh Bhatu Koradkar sustained injuries and one motorcycle was also damaged due to pelting of stones.

3. Heard learned advocate for applicants and learned APP for respondents/State. Perused the investigation papers.

4. At the instance of accused No.1 Narayan Tulshiram Thorat FIR at C.R. No.188/2023 is registered with same police station against 1. Popat Kalu Koradkar, 2. Suresh Kalu Koradkar, 3. Nana Lahanu Koradkar, 4. Suresh Kalu Koradkar, 5. Dagadu Tulshiram Koradkar and 6. Pandu Manaku Koradkar, for offences punishable under Sections 326, 143, 147, 148, 149, 504, 506 of I.P.C. alleging that accused persons named in the FIR have entered agricultural land of Narayan Thorat and assaulted him with sticks and stones. Narayan Thorat has suffered two fracture and contusions on head and shoulder. So also, Bhagwan Thorat and Rajendra Thorat have received injuries in the said incident. According to learned advocate for applicants, all accused persons in this crime are released on anticipatory bail.

5. Perusal of investigation papers of both the crimes *prima facie* reveal that there was a free-fight between two groups in which

members of both the groups have suffered injuries.

6. In the present crime assault on Suresh Koradkar is attributed to applicant No.1. He has suffered fracture on left distal 1/3 ulna, which is stated to be grievous injury. Incident is dated 17/07/2023 and offence is registered on 21/07/2023. Weapon allegedly used in the crime i.e. iron rod is already recovered. Charge-sheet in present crime is already filed. Applicants were granted interim protection and they have co-operated in the investigation. Nothing remains to be recovered from applicants, therefore, their pre-trial custodial detention is not necessary.

7. Hence, the application is allowed by confirming interim protection granted to applicants by order dated 10/10/2023.

8. Applicants shall attend concerned police station for a period of three months, on every Saturday and Sunday between 10:00 a.m. to 12:00 p.m. and shall co-operate in the investigation. Applicants shall not tamper prosecution evidence.

(NITIN B. SURYAWANSHI, J.)