



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

929 ANTICIPATORY BAIL APPLICATION NO. 1752 OF 2024

1. Gangadhar S/o Lingu Bhuyare
2. Anteshwar D/o Govind Bhuyare
3. Santosh S/o Vithal Bhuyare .. Applicants

VERSUS

- . The State of Maharashtra .. Respondent

...

Advocate for Applicants : Mr. Bhapkar Shivaji Bhimrao
APP for Respondent/State: Mr. S. B. Pulkundwar

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WITH
ANTICIPATORY BAIL APPLICATION NO. 1753 OF 2024

GAJANAN VITHAL BHUYARE

VERSUS

THE STATE OF MAHARASHTRA

...

Advocate for Applicant : Mr. Bhapkar Shivaji Bhimrao
APP for Respondent/State: Mr. S. B. Pulkundwar

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CORAM : ARUN R. PEDNEKER, J.

DATE : 21st NOVEMBER, 2024

PER COURT:

1. In Anticipatory Bail Application No.1752 of 2024, the applicants are apprehending arrest in connection with Crime No.170 of 2024, registered at Degloor Police Station, District Nanded for the

offences punishable under Sections 302, 143, 147, 148, 149 of IPC and, as such, seeks anticipatory bail.

2. The applicants contend that they are not involved in the offence. The complainant himself has made a statement before the Sessions Court that the victim died possibly in the night between 08:00 p.m. to 09:30 p.m. and that he had not received any information as regards the fact that the present applicants have assaulted the deceased. The complainant is present in the court today and is identified by the learned APP. The complainant has made statement that the affidavit before the Sessions Court was filed under duress. The learned counsel for the applicants disputes this and submits that the complainant is present in the court in absence of any order of this court and at the instance of the Investigating Officer. Prima facie, this could be case of influencing the complainant / witnesses by the accused.

3. Perused the police papers. The deceased was involved in various crimes of theft etc. and was required for investigation by the police. The deceased was caught by the villagers and was assaulted by villagers and, thereafter, taken in custody by the police. The material on record prima facie indicates that the deceased was produced before the Sub-District Hospital, Degloor at 11:30 p.m. on arrest and at that time he had suffered various injuries. After giving preliminary treatment the

deceased was taken back to the police station, where he succumbed to the injuries in the night.

The learned APP has also pointed out that inquiry under Section 176 of the Cr.P.C. was also conducted in the matter by JMFC, Degloor, who has opined that the deceased died due to shock due to multiple injuries and that the said injuries were apparently on account of the beating given to the deceased by the villagers. It is also further stated in the report that prima facie after arrest there was no assault on the deceased.

4. Prima facie, from the investigation it reveals that there are statements collected from some witnesses who have seen the deceased being beaten by the present applicants. In view of the same, there is no case made out for grant of anticipatory bail.

5. In view of the above, Anticipatory Bail Application No.1752 of 2024 stands dismissed.

6. In view of dismissal of Anticipatory Bail Application No.1752 of 2024, Anticipatory Bail Application No.1753 of 2024 is also dismissed.

[ARUN R. PEDNEKER, J.]