



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

ANTICIPATORY BAIL APPLICATION NO. 1679 OF 2023

SANTOSH BHIMA @ BHIMRAO KHAIRE
VERSUS
THE STATE OF MAHARASHTRA

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Mr. Harshal Prakash Randhir, Advocate for Applicant
Mrs. V.S. Chaudhari, APP for Respondent

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CORAM : NITIN B. SURYAWANSHI, J.

DATE : 29th JANUARY, 2024

PER COURT :

1. Applicant apprehends arrest in Crime No.94/2023, registered with Chalisgaon Rural Police Station, Jalgaon, for offence punishable under Sections 326, 324, 323, 143, 147, 148, 149, 504, 427 of the Indian Penal Code.

2. FIR is lodged by Mangesh Shivaji Sonawane, alleging that on 22/04/2023 when informant was riding his father's vehicle, he gave dash to Bhaskar Khaire's son, Vijay. Therefore, informant's father went to Vijay Khaire's house and told him that he is ready to bear medical expenses, if any, of his son. Father of accused told informant's father that he should spend the said amount on medical expenses of his son only. At about 08:15 Hrs, when informant was proceeding along with his friend on motorcycle as pillion rider at Waghali Bus Stand, Vijay Bhaskar Khaire, Jitendra Ramesh Ushir and applicant Santosh Bhima Khaire were standing there. Vijay Khaire stopped their motorcycle and told his friend to make informant

alight from motorcycle. At that time Ganesh Mahadu Khaire, Rajendra Bharat Sonawane, Ravindra Bharat Sonawane came there holding iron rods and sticks in their hands. Two of them assaulted informant with stick and iron rod. Ravindra Sonawane assaulted his friend Pravin with stick on head. All other accused assaulted informant and his friend with sticks, slaps and fists.

3. Heard learned advocate for applicant and learned Additional Public Prosecutor for State. Perused the investigation papers.

4. Offence is registered in the month of April, 2023. Accused Vijay Bhaskar Khaire, Jitendra Ramesh Ushir, Ganesh Mahadu Khaire, Rajendra Bharat Sonawane and Ravindra Bharat Sonawane were arrested. Learned advocate for applicant states that as per his instructions, they all are released on bail. Sticks and iron rod allegedly used in the crime are already recovered.

5. Applicant claims to be in Army service and is presently posted at Bharat – Bangladesh border. He claims to be innocent and is falsely implicated in present crime. Investigation appears to be on the verge of completion and pre-trial custodial detention of applicant is not necessary.

6. Application is, therefore, allowed by confirming interim protection granted to applicant vide order dated 18th October, 2023.

(NITIN B. SURYAWANSHI, J.)