



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

ANTICIPATORY BAIL APPLICATION NO. 1682 OF 2023

NITIN RAJENDRA DARADE AND OTHERS
VERSUS
THE SUPERINTENDENT OF POLICE AND ANOTHER

...
Mr. Rahul R. Karpe, Advocate for Applicants
Mr. S.V. Hange, APP for Respondents/State
...

CORAM : NITIN B. SURYAWANSHI, J.

DATE : 27th FEBRUARY, 2024

PER COURT :

1. Applicants apprehend arrest in C.R. No.413/2023, registered with Sonai Police Station, Dist. Ahmednagar, for offence punishable under Sections 324, 323, 504, 506, 326 r/w 34 of the Indian Penal Code.

2. FIR is lodged by Shubham Dattatray Gaikwad alleging that on 31/08/2023, informant along with his 3 to 4 friends was taking cup of tea at Jagdamba Canteen. At that time, all applicants along with one more person came there. They picked quarrel with informant and his friends, and started assaulting them. Informant was trying to pacify the quarrel. At that time, applicant No.1 Nitin has given blow of wooden log on the head of informant and other applicants assaulted him by means of stick and wooden log on leg, hands and back. While leaving the spot, applicants have given threats to informant. Then informant had been taken to concern

hospital and obtained treatment. Initially, crime is lodged for offences punishable under Sections 323, 324, 504 and 506 r/w 34 of the I.P.C. but later on, considering the grievous injury on the head, offence under Section 326 of I.P.C. is added.

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

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 Application of applicant No.1 Nitin Rajendra Darade, is dismissed as withdrawn.

5. General allegations are levelled against applicant Nos.2 and 3 that they have participated in assaulting informant on the hand, leg and back. Perusal of injury certificate shows that informant has suffered two injuries, one linear contusion over forehead of size 4cm x 2 cm, which is a grievous injury and one linear blunt injury to back left side of size 3cm x 2cm which is stated to be simple. CT Scan report shows 3mm depressed fracture involving frontal bone. Both these injuries are attributable to accused No.1 Nitin.

6. *Prima facie*, it appears that if the allegations made in

the FIR are taken as it is and informant was assaulted by all the accused persons, he would have suffered multiple injuries. Applicant Nos.2 and 3 are students. Applicant No.2 Sachin Mahadev Darade is taking education in Polytechnic College, whereas applicant No.3 Mahesh Darade is pursuing M.B.A. studies. If arrested, their future will be marred.

7. Nothing is to be recovered from applicant Nos.2 and 3. Investigation appears to be on the verge of completion. In that view of the matter, application of applicant Nos.2 and 3 is allowed by confirming interim protection granted to them by order dated 11/10/2023.

8. Till filing of charge-sheet, applicants shall attend concerned police station as and when called by investigating officer and shall co-operate in the investigation. Applicants shall not tamper prosecution evidence.

(NITIN B. SURYAWANSHI, J.)