



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

ANTICIPATORY BAIL APPLICATION NO. 1861 OF 2024

1. Mahesh Vitthal Aaghav
2. Devendra Vitthal Aaghav
3. Jagannath Kisan Nagargoje
4. Asaram Sonaji Aaghav
5. Mangesh Asaram Aaghav
6. Nilesh Asaram Aaghav
7. Goraksh Jagannath Nagargoje
8. Vitthal Pralhad Bargaje
9. Harihar Murlidhar Bangar
10. Vitthal Mahadeo Aaghav
11. Shankar Mahadeo Aaghav

VERSUS

The State Of Maharashtra And Another

WITH

ANTICIPATORY BAIL APPLICATION NO. 1860 OF 2024

Ganesh @ Gajanan Shankarrao Aaghav

VERSUS

The State Of Maharashtra And Another

WITH

CRIMINAL APPLICATION NO. 4531 OF 2024
IN ABA/1860/2024 WITH
CRIMINAL APPLICATION NO. 4533 OF 2024
IN ABA/1861/2024

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Mr. R. G. Hange, Advocate for Applicants
Ms. M. N. Ghanekar, APP for Respondents
Mr. K. R. Doke, Advocate for Informant

CORAM : R.M. JOSHI, J
DATE : NOVEMBER 25, 2024

COMMON ORDER :

1. Mr. Doke, learned Counsel, has filed

applications on behalf of Informant to assist APP.

2. Having regard to the nature of offence, Criminal Application Nos. 4531/2024 and 4533/2024 are allowed. He is permitted to assist APP.

3. Applicants apprehend arrest in connection with Crime No. 125/2024 registered with Chaklamba Police Station, Dist. Beed for the offences punishable under Sections 323, 324, 504, 506, 143, 147, 148, 149 read with Section 34 of the Indian Penal Code.

4. First information report shows that an incident has occurred at about 11.50 pm on 20.04.2024 in which the Informant and his father-in-law were said to have been assaulted by the accused herein. The first information report indicates that there are old disputes between the parties. The allegations further shows that iron stand used to hold mic was used as weapon to cause assault. Informant sustained injuries to occipital region. He was taken to hospital and after he was discharged he went to police station and lodged this report.

5. Learned Counsel for the Applicants submit that

though allegations are made against present Applicants of causing assault, the incident in question seems to have been occurred spontaneously. It is his submission that the alleged instrument of assault is already seized and as such, nothing is to be recovered from the Applicants. He claims that there is no criminal history against Applicants.

6. Learned APP and learned Counsel for Informant opposed the applications by contending that 13 persons have caused assault on the Informant and that he has sustained grievous injury. Thus, it is their case that since offence is serious in nature, it is not a fit case to grant anticipatory bail.

7. FIR indicates that there are old disputes between the parties. In view of the pre-existing dispute, the possibility of over implication is not ruled out. The informant is said to have been assaulted by 13 persons, whereas two injuries were caused to him, one of which is simple in nature. As far as weapon used for causing assault which has resulted in grievous injury is concerned, admittedly the said iron stand has been seized. As such, custodial interrogation of the

Applicants is not necessary. These applicants have clean past record and not likely to flee from justice. In the result, applications stand allowed. Hence, the order:

O R D E R

- (i) Anticipatory Bail Application No. 1861 of 2024 is allowed by confirming interim order dated 24.10.2024.
- (ii) In the event of arrest of the Applicant in ABA/1860/2024 in connection with Crime No. 125/2024 registered with Chaklamba Police Station, Dist. Beed for the offences punishable under Sections 323, 324, 504, 506, 143, 147, 148, 149 read with Section 34 of the Indian Penal Code, he shall be released on bail on furnishing PR bond of Rs. 15,000 (Rupees Fifteen Thousand Only) with one surety in the like amount.
- (iii) He shall attend the concerned police station as and when required.
- (iv) He shall not contact the witnesses directly or indirectly.
- (v) He shall not interfere with the evidence in any manner whatsoever.
- (vi) He is further directed to cooperate the investigating agency for further investigation remained, if any.

(R.M. JOSHI, J.)