



IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

927 BAIL APPLICATION NO. 2004 OF 2024

1. Pratik Balu Avhad
2. Mahendra Sonybapu DehmukhApplicants

VERSUS

The State of MaharashtraRespondent

.....

Mr. Joydeep Chatterji, Advocate for Applicants.

Mr. S. B. Jadhav, APP for the State.

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WITH
ANTICIPATORY BAIL APPLICATION NO. 1740 OF 2024

1. Kusum Balu Avhad
2. Balasaheb @ Balu Babji Avhad Applicants

VERSUS

The State of Maharashtra & anotherRespondents

.....

Mr. Joydeep Chatterji Joydeep, Advocate for Applicants.

Mr. S. B. Jadhav, APP for the State.

Mr. I. K Wagh, Advocate for the informant.

WITH
BAIL APPLICATION NO. 2021 OF 2024

Devendra Mungaji Sontakke Applicants

VERSUS

The State of Maharashtra

.....Respondent

.....

Ms. J. R. Nawale, Advocate for Applicant.

Mr. S. B. Jadhav, APP for the State.

CORAM : R. M. JOSHI, J.

DATE : 26th NOVEMBER, 2024.

PER COURT :

1. At the outset, when this Court has shown disinclination to grant relief to Applicant No. 2 Balasaheb @ Balu Babaji Avhad in Anticipatory Bail Application No. 1740/2024, learned counsel for the Applicant, on instructions, seeks withdrawal of the application to the extent of Applicant No. 2.

2. Application stands dismissed as withdrawn qua Applicant No. 2 Balasaheb @ Balu Babaji Avhad.

3. First Information Report shows that informant who is a police personnel lodged report in respect of incident occurred on 27.09.2024 at about 9.30 pm in which he was assaulted by the Applicants and co-accused with deadly weapons like sword and axe etc. Allegations are essentially against Pratik and Balu of using sword and axe respectively to cause said assault. As far as Applicant Kusum in Anticipatory Bail Application No. 1740/2024 is concerned,

the allegation against her is that she used chilli powder in the said incident and by throwing the same on the person of the injured, she assisted others to cause assault on him. As far as other accused are concerned, the allegation against them is of causing assault with weapons. They are already arrested and they are seeking regular bail.

4. Learned counsel for Applicant Kusum submits that except for the alleged statement of throwing chilli powder on the person of the injured, there is no allegation of she causing any direct injury to the injured.

5. As far as accused seeking regular bail, it is contended that they do not have any criminal history and considering the nature of offence and the investigation carried out till date, their further custody is not required.

6. Learned counsel for the informant has recorded no objection for grant of bail to all accused.

7. Learned APP however, opposed the applications on the ground that offence punishable under Section 109 of Bharatiya Nyaya Sanhita is made out and as such even if no objection is recorded by the informant for grant of bail, they are not entitled for anticipatory as well as regular bail.

8. As far as Applicant Kusum is concerned, there is no allegation against her that she caused any injury to the informant in the said incident. She is a lady without any criminal history behind her. Appropriate direction to her to appear before the Investigating Officer will be sufficient for conducting further investigation, if remained.

9. In so far as the Applicants who are seeking regular bail, perusal of investigation papers indicates that there is already recovery of weapons from the spot. So also the statements of witnesses also seem to have been recorded. Thus, for effective investigation their custody is not necessary.

10. Though learned APP has raised apprehension with regard to interference of the Applicants in the investigation, no objection

recorded by informant, who is a police personnel, shows that such apprehension has no basis. Hence, the following order :-

ORDER

(i) Anticipatory Bail Application No. 1740/2024 stands dismissed qua Applicant No. 2 Balasaheb @ Balu Babaji Avhad.

(ii) Anticipatory Bail Application No. 1740/2024 stands allowed qua Applicant No. 1 Kusum Balu Avhad in terms of the interim order.

(iii) Applicant No. 1 Pratik Balu Avhad and Applicant No. 2 Mahendra Sonyabapu Deshmukh in Bail Application No. 2004/2024 and Applicant Devendra s/o Mungaji Sontakke in Bail Application No. 2021/2024 be released in connection with Crime No. 380/2024, registered with Paithan Police Station, Dist. Aurangabad, for the offences punishable under Sections 109, 189(2), 189(4), 190, 191(2), 191(3), 33, 352, 61(2) of the bharatiya Nyaya Sanhita, on furnishing PR Bond of Rs. 15,000/- (Rs. Fifteen Thousand only) each with one surety each in the like amount.

(ii) They shall attend the concerned police station once in a week.

(iii) They shall not contact the witnesses directly or indirectly.

(iv) They shall not interfere with the evidence in any manner whatsoever.

(v) They are further directed to cooperate the investigating agency for further investigation.

(vi) Learned APP to communicate this order to the concerned Investigating Officer.

(R. M. JOSHI)
Judge

dyb