



IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

ANTICIPATORY BAIL APPLICATION NO. 1689 OF 2023

Bajrang Babusingh RathodApplicant

VERSUS

The State Of Maharashtra And AnotherRespondents

WITH

ANTICIPATORY BAIL APPLICATION NO. 1347 OF 2023

Kailash Babusingh RathodApplicant

VERSUS

The State Of Maharashtra And AnotherRespondents

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Mr. S.R. Bagal h/f. Mr. B.N. Gadegaonkar, Advocate for applicants.

Mr. S.B. Jadhav, APP for respondents.

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[CORAM : NITIN B. SURYAWANSHI, J.]

DATE : 20th FEBRUARY, 2024

ORDER :

1. At the outset, learned advocate Shri. S.G. Nandedkar submits that he had received telephonic instructions to appear on behalf of informant, however, thereafter informant has not given instructions and therefore he could not file application on behalf of informant seeking permission to assist the learned APP.

Bhagyawant Punde

2. Applicants apprehend arrest in C.R. No. 145 of 2023, registered with Hadgaon Police Station, District- Nanded, for offences punishable under sections 307, 323, 504, 506 read with 34 of the Indian Penal Code.

3. FIR is lodged by Krushna Rathod alleging that on 01.07.2023 at village Dattabardi Tanda, a procession was held on the occasion of Vasantao Naik's birthday, therefore, funds were collected for said procession. Informant did not give funds for the same and on that count accused Om Bajrang Rathod quarreled with him and slapped him. Thereafter, on 02.07.2023, at about 7.30 am, Bajrang Rathod father of Om Rathod and Kailas Rathod came at the house of informant and threatened that he should not lodge police complaint against Om Rathod. Thereafter at about 10.30 am, informant was proceeding towards Tuljai Medical along with one Dinesh Kadam and Raju Rathod, at that time Om Rathod came there and assaulted informant by sharp weapon and attempted murder of informant.

4. Heard learned advocate for applicants and learned APP for respondents. Perused the investigation papers.

5. In the FIR only role attributed to present applicants

is that they had come and threatened informant not to lodge any police complaint. Thereafter, actual assault was made by Om Rathod, son of applicant Bajrang Rathod, thereby causing multiple stab injuries to informant. Om Rathod is arrested and weapon allegedly used in the crime is recovered. Considering the role attributed to applicants and as nothing is to be recovered from them, their pre-trial custodial detention is not necessary in the facts of the present case.

6. In the result, Anticipatory Bail Application No. 1689 of 2023 is allowed by confirming interim protection granted on 13.10.2023 and Anticipatory Bail Application No. 1347 of 2023 is allowed by confirming interim protection granted on 11.08.2023.

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

[NITIN B. SURYAWANSHI, J.]