



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

968 ANTICIPATORY BAIL APPLICATION NO. 1567 OF 2024

LATA W/O RAJENDRA RATHOD

VERSUS

THE STATE OF MAHARASHTRA

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Advocate for Applicant : Mr. P.P. Giri h/f. Mr. S.C. Swami

APP for Respondent/State : Mrs. V.S. Choudhari

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978 ANTICIPATORY BAIL APPLICATION NO. 1901 OF 2024

DILIP GOPINATH RATHOD

VERSUS

THE STATE OF MAHARASHTRA AND ANOTHER

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Advocate for Applicant : Mr. P.P. Giri

APP for Respondents/State : Mr. A.A.A. Khan

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CORAM : ARUN R. PEDNEKER, J.

Dated : December 12, 2024

PER COURT :-

1. Heard learned counsel for the applicants and the learned APP for the respondents/State in both the matters.
2. Applicants are apprehending arrest in connection with Crime No. 100/2024 dated 29.4.2024 registered with Bhada Police Station District Latur for the offences punishable under sections 302, 147, 148, 149, 323, 504 of Indian Penal Code.
3. The learned APP opposes the applications on the ground that there are eye witnesses and that the fight has been commenced on account of applicant – Dilip Gopinath Rathod having parked his scooter in the courtyard at the wrong place.
4. This Court by order dated 22.8.2024 has granted bail to other

accused – Avinash Rajendra Rathod, who has allegedly assaulted the deceased by means iron rod on his head and there is only one serious injury on the head of the deceased. In para 8 of the order dated 22.8.2024, this Court has observed as under :-

“8. Considering the facts of the case, both probabilities are there either the deceased was assaulted or fell down on the stone. At this juncture, the Court has to consider the prima facie material. The post-mortem report reveals the abnormal smell in the stomach of the deceased. That corroborates the submission of the counsel for the applicant that the deceased had consumed the liquor. It was a quarrel happened in the courtyard of co-accused Rajendra. They are Banjaras. They were there for the marriage. Considering the custom of Banjara, consuming liquor on the day of marriage is common. The spot panchanama supports the contention of the applicant to believe at this juncture that the deceased might have fallen on the stone and sustained the injury. The injury suffered to the deceased is possible by falling on hard surface. Since the case is balancing, further detention of the applicant would serve no purpose, though there are eyewitnesses and recovery of weapon at the hands of the applicant.”

5. This Court has granted interim protection to the applicants herein vide orders dated 23.10.2024 and 29.10.2024 and directed the applicants herein to cooperated with the investigation. The learned counsel for the applicants submits that the applicants have cooperated with the investigation.

5. Considering the above observations made by this Court in para 8 of the order dated 22.8.2024, I am inclined to confirm protection granted earlier to the applicants herein.

6. In view of the above, the applications are allowed and the interim protections granted by this Court to the applicants herein vide order dated 23.10.2024 and 29.10.2024 is confirmed on the following terms :

i] The applicants shall attend the police station as and when required.

ii] The applicants shall not tamper with the evidence of the prosecution in any manner. The applicants shall not influence the informant, witnesses and other persons concerned with the case.

iv] The applicants shall co-operate with the investigation and also in the proceedings before the trial Court.

7. In the event, the applicants violate any of the conditions specified in this order, it shall be liable to be cancelled.

8. It is also clarified that the observations made in this order are prima facie observations and are limited to the disposal of the present anticipatory bail applications and the trial Court shall proceed further in the matter without being influenced by the observations made hereinabove.

9. The applications stand disposed of.

(ARUN R. PEDNEKER, J.)

ssc/