



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

ANTICIPATORY BAIL APPLICATION NO. 1980 OF 2023

DIGAMBAR SHANKARRAO TARKE AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER

...
Mr. Vaibhav B. Dhage, Advocate for Applicants
Mr. S.B. Jadhav, APP for Respondents – State
...

CORAM : NITIN B. SURYAWANSHI, J.

DATE : 19th JANUARY, 2024

PER COURT :

1. Applicants apprehend arrest in Crime No.0141/2023, registered with Sonkhed Police Station, Nanded, for offence punishable under Sections 326, 324, 323, 143, 147, 148, 149, 504 and 506 of the Indian Penal Code and Section 25(4) of the Arms Act, 1959.

2. FIR is registered by Prabhakar Digambar Tarke, alleging that on 26/10/2023, at about 19:30 Hours near Shivaji statue co-accused Sainath Subhash Tarke and Sainath Dayanand Tarke assaulted Mahesh Tarke by kicks and fists. When informant's father went to rescue him along with Vishal More, accused Vishwanath, Sainath, Adinath, Navnath and other co-accused including present applicants, assaulted them with dagger, wooden sticks and bricks. Accused Sainath Subhash Tarke assaulted Digambar (informant's father) on head by dagger, co-accused Sainath and Viju Tarke

assaulted informant's father with wooden stick, Vishwanath and Sanjay threw bricks on Mahesh causing him injuries. Sainath assaulted with wooden stick, Navnath and applicant No.3 Shivaji used kicks and fists and bricks for assault. Vishwanath and Sanjay gave dagger blows to Vishal More. All accused persons gave threats to informant and others.

3. Heard learned advocate for applicants and learned Additional Public Prosecutor for State. Perused investigation papers.

4. Accused Vishwanath, Sainath, Adinath and Navnath were arrested and they are released on bail on 09/11/2023. Main role is attributed to four accused persons who were arrested. Against present applicants there are general allegations of their participation in the alleged assault.

5. Nothing is to be recovered from applicants. Investigation appears to be on the verge of completion. Applicants were granted interim protection and they have co-operated in the investigation. Custodial detention of applicants is, therefore, not necessary.

6. In the result, application is allowed by confirming interim protection granted by order dated 08/12/2023.

(NITIN B. SURYAWANSHI, J.)