



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

**ANTICIPATORY BAIL APPLICATION NO. 2019 OF 2023**

SUNIL VALMIK KOLPE AND OTHERS  
VERSUS  
THE STATE OF MAHARASHTRA

...

Mr. Vinod Y. Bhide, Advocate for Applicant  
Mr. C.V. Bhadane, APP for Respondent/State  
Mr. S.S. Bora, Advocate for Assist to APP

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**CORAM : NITIN B. SURYAWANSHI, J.**

**DATE : 14<sup>th</sup> MARCH, 2024**

**PER COURT :**

1. Applicants apprehend arrest in C.R. No.558/2023, registered with Kopargaon Rural Police Station, Dist. Ahmednagar, for offence punishable under Sections 307, 323, 504, 506, 329, 143, 147, 148, 149 of the Indian Penal Code.

2. FIR is lodged by Shantaram Bhanudas Wabale alleging that there was dispute between him and applicants / accused persons on account of repairs and laying damaged pipeline at village Suregaon. Accused persons were insisting that informant should repair said pipeline and should bear expenses thereabout. Informant used to deny the same. On 25/11/2023, at about 11:50 a.m. informant received phone call of Machhindra Kolape, he called informant near vasti of Namdeo Kolpe. Accordingly, informant and his friend Amol Prakash Wabale went there. At about 12:30 noon, Machhindra Kolape came there, he was armed with iron rod. He

asked for laying down and preparing new pipeline. Informant denied the same. Machhindra got angry and started abusing him. Machhindra also threatened that he would kill informant. He called rest of accused persons by making phone call at Godavari Right Canal, Suregaon. All accused persons came there. Everyone of them was armed with iron rods. Nitin was armed with stick having pointed edged weapon at one end. Sunil, Ajit and Nitin caught hold of informant from backside. Babasaheb inflicted blow of iron rod on right leg of informant, which caused fracture. Rajendra inflicted blow of iron rod on the left leg of informant. Informant fell down. Sunil inflicted blow of iron rod on left leg of informant. Nitin abused informant in filthy language and threatened to kill him. Nitin inflicted blow of pointed edged weapon on the abdomen of informant. Informant skipped it and caught hold of the said weapon by his left hand, due to which he suffered fracture to his fingers. Vishnu and Machhindra inflicted blows of iron rods on the person of informant. As such, accused persons attempted to commit his murder.

3. Heard learned advocate for applicant, learned advocate for informant and learned APP for respondents/State. Perused the investigation papers.

4. After arguing at length on merits, when this Court was not inclined to grant relief to applicant Nos.3, 4 and 5, learned advocate for applicants, on instructions, seeks permission to

withdraw their application.

5. Permission granted. Application of applicant No.3 Nitin Dattu Halnor, applicant No.4 Babasaheb Annasaheb Kolpe and applicant No.5 Rajendra Bhagat Kolpe is dismissed as withdrawn.

6. On going through the medical reports it is clear that informant has received five injuries out of which three are grievous and two are simple. Considering the allegations made in the FIR and role attributed to applicant Nos. 1, 2, 6 and 7, there are no corresponding injuries appearing in the medical papers. *Prima facie*, over implication of applicant Nos. 1, 2, 6 and 7 cannot be ruled out at this stage.

7. Major assault with iron rod is attributed to applicant Nos.3, 4 and 5, their application is already withdrawn. In this view of the matter, pre-trial custodial detention of applicant Nos. 1, 2, 6 and 7 is not necessary, as nothing is to be recovered from them.

8. In the result, application of applicant Nos.1, 2, 6 and 7 is allowed by confirming interim protection granted to them by order dated 12/12/2023.

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

**(NITIN B. SURYAWANSHI, J.)**