



IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

ANTICIPATORY BAIL APPLICATION NO. 2023 OF 2023

Gangadhar Narayan Khandre And OthersApplicants

VERSUS

The State Of MaharashtraRespondent

.....
Mr. G.G. Kadam, Advocate for applicants.
Mr. A.R. Kale, APP for respondent.

.....

[CORAM : NITIN B. SURYAWANSHI, J.]

DATE : 6th FEBRUARY, 2024

ORDER :

1. Applicants apprehend arrest in C.R. No. 300 of 2023, registered with Umri Police Station, Nanded, for offences punishable under sections 307, 323, 504, 506, 143, 147, 148, 149 of the Indian Penal Code.

2. FIR is lodged by Shamrao Jogdand alleging that on 25.10.2023 while he was returning with his friend Raju Karpe at about 7.30 pm, Gangadhar Khandre, Santosh Jogdand, Sadanand Khandre, Sanjay Khandre, Maroti Ahire and Ananda Khandre abused and assaulted him on account of their defeat in Grampanchayat election. Gangadhar assaulted with iron *katti* on head. Santosh Jogdand assaulted with rod on right knee, thigh

Bhagyawant Punde

and back. Other accused persons at that time assaulted informant and Raju Karpe. Sadanand Khandre assaulted Raju Karpe with iron rod on back, waist and both hands, so also on right knee. All accused persons also showered fists and kicks blows on stomach of informant.

3. Heard learned advocate for applicants and learned APP for respondent. Perused the investigation papers.

4. After arguing on merits at length, when this Court was not inclined to grant relief to Applicant No. 1- Gangadhar Khandre learned advocate for applicants on instructions seeks permission to withdraw the application of Applicant No. 1- Gangadhar Khandre. Permission granted. Application of Applicant No. 1- Gangadhar Khandre is dismissed as withdrawn.

5. A cross FIR is lodged by applicants' side which is registered at C.R. No. 302/2023 with Umri Police Station, Nanded, for offence punishable under sections 327, 326, 323, 504, 143, 147, 148, 149 of IPC, wherein informant, Dhondiba Ahire, Ananda Ahire, Santosh Ahire, Shriniwas Jogdand, Raju Karpe and Subhash Jogdand allegedly pelted stones on the procession led by applicants. Applicants were allegedly assaulted

by fists and kick blows. In the said crime applicant- Santosh has received blunt trauma on right left wrist joint, which is stated to be simple injury.

6. There appears substance in the contention of learned advocate for applicants that since incident has taken place after Durga Devi procession was over, there was no occasion for both the parties to carry any weapons and there was free fight between two groups.

7. General allegations are levelled against applicants. Though it is alleged that applicant- Santosh has assaulted Raju Karpe with iron rod and injury certificate of Raju Karpe supports said allegation, since iron rod is already recovered custodial detention of applicant Santosh and other applicants is not warranted in the facts of the present case. Offence is registered on 28.10.2023 and investigation is on the verge of completion. In that view of the matter, application is allowed by confirming the interim protection order dated 11.12.2023.

[NITIN B. SURYAWANSHI, J.]