



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

ANTICIPATORY BAIL APPLICATION NO. 2024 OF 2023

RAMSING @ BHORYA S/O TARACHAND GOTHWAL
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER

...
Mr. Vikram L. Bhangе, Advocate for Applicant
Mr. N.B. Patil, APP for Respondents – State

**WITH
ANTICIPATORY BAIL APPLICATION NO. 2014 OF 2023**

PREMSING GOVINDSING SULAVANE AND ANOTHER
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER

...
Mr. Chandrakant V. Bodkhe, Advocate for Applicant
Mr. N.B. Patil, APP for Respondents – State

**CORAM : NITIN B. SURYAWANSHI, J.
DATE : 05th FEBRUARY, 2024**

PER COURT :

1. Leave to add Superintendent of Police, Aurangabad, as a party respondent. Amendment to be carried out forthwith.
2. Applicants in both the applications apprehend arrest in C.R. No.461/2023, registered with Khultabad Police Station, Aurangabad, for offence punishable under Sections 323, 326, 504 r/w 34 of the Indian Penal Code.
3. Fir is lodged by Devidas Kisan Ghusale alleging that on 12/11/2023 at about 05:30 p.m. when he was proceeding to his house from the field of Khinvasara, near Sulibhanjan brook Bhorya

Tarachand Gothwal, Prem Govind Sulavane and Pratap Govind Sulavane were sitting there. They gave kick to him. Accordingly he went to them, they unnecessarily started abusing him. When informant asked them not to abuse, Prem Sulavane gave kick blow on his waist, due to which he lost balance and axe in his hand fell down. Bhorya Gothwal picked up the axe and assaulted informant with it, on the left side of his head. Due to said blow informant felt giddy and fell down. At that time Pratap Sulavane gave kick blow on his back. He fell there unconscious and his son Devidas took him to Khultabad Police Station and thereafter took him to the hospital.

4. Heard learned advocates for applicants and learned Additional Public Prosecutor for State. Perused the investigation papers.

5. After arguing at length on merits, when this Court was not inclined to grant relief to applicant Ramsing @ Bhorya Tarachand Gothwal, learned advocate for applicant, on instructions, seeks permission to withdraw the application. Permission granted. Anticipatory Bail Application No.2024/2023 is, therefore, dismissed as withdrawn.

6. Allegations made against applicants in Anticipatory Bail Application No.2014/2023 are that they have assaulted informant with kicks. Perusal of injury certificate *prima facie* does not support

the said allegations. Nothing is to be recovered from applicants. Therefore, custodial detention and/or interrogation of applicants is not warranted.

7. In the result, Anticipatory Bail Application No.2014/2023 is allowed by confirming interim protection granted to applicants by order dated 15/12/2023.

(NITIN B. SURYAWANSHI, J.)