



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

958 ANTICIPATORY BAIL APPLICATION NO. 954 OF 2024

Rupesh Dagadu Gaikwad

VERSUS

The State of Maharashtra and another

...

Advocate for Applicant : Mr. Akash D. Gade

APP for Respondents: Mrs. M.L. Sangit

Advocate to assist the A.P.P. : Mr. Sandip P. Rathod

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AND

967 ANTICIPATORY BAIL APPLICATION NO. 1055 OF 2024

1) Samadhan Subhash Rathod

2) Rama Shivaji Kawale

VERSUS

The State of Maharashtra and another

...

Advocate for Applicant : Ms. Ashwini A. Lomte

APP for Respondents: Mrs. M.L. Sangit

Advocate to assist the A.P.P. : Mr. Sandip P. Rathod

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CORAM : SHIVKUMAR DIGE, J.

DATED : 24th SEPTEMBER, 2024.

PER COURT :-

1. Since both these applications arise out of the same F.I.R. and the applicants have been arrayed as accused in the said F.I.R. both the applications are being decided by this common order.

2. The applicants apprehend arrest in connection with crime No. 50 of 2024 registered with Sirsala Police Station, district Beed, for the

offences punishable under Sections 307, 324, 326, 327, 427, 452, 143, 144, 147, 148, 149 of the Indian Penal Code and under Section 135 of Maharashtra Police Act.

3. It is prosecution's case that on 25.3.2024, at 10.00 a.m. there was naming ceremony of son of informant's cousin. When that ceremony was going on, at that time, the applicants and co-accused came there with wooden sticks, stones, axe, iron chain and iron rod. It is alleged that co-accused Rahul Kawale told them that why they asked Ram and engineer Sayyad about the work of road and also why they recorded their talking on mobile. At that time, the informant's uncle Sundar Rathod told them that they will talk after the programme is over. It is alleged that unknown persons caught hold the informant and his relatives. At that time, co-accused Dhulba Kawale assaulted with wooden log on the left leg of Sundar Rathod. It is alleged that the applicant Rupesh assaulted Ranjit Papa Rathod with axe on his head. The applicant Ram Kawale assaulted on left hand of Ramesh Rathod. The applicant Samadhan caused injuries to Shilabai i.e. mother of the informant by pelting stones. He also caused injuries to witnesses Chaturabai and Masanbai Rathod with stones. It is alleged that co-accused Rahul assaulted Papa Rathod with iron rod and also beaten the informant with fist and kick blows. The applicants and co-accused caused damage to 13 motorcycles

parked there. They also damaged the chairs and other articles lying there. They have caused loss to the tune of Rs.2,50,000/-. They also threatened to kill everyone and went away.

4. It is contention of the learned counsel for the applicants that the applicants have been falsely implicated in this case. Some of the accused have been released on regular bail and/or on anticipatory bail by the trial court. The allegation against the applicant Rupesh Gaikwad is that he assaulted Ranjit Rathod with axe on his head. Ranjit Rathod has suffered simple injuries. There are no other allegations against applicant Rupesh Gaikwad, hence his custodial interrogation is not required.

5. It is contention of learned counsel for the applicant Samadhan Rathod that the allegations against him are that he assaulted the informant's mother Shilabai and other ladies, who were present there with stones. The injury certificates of informant's mother and other two ladies show that they have suffered simple injuries. The allegation against applicant Rama Kawale is that he assaulted Ramesh Rathod. Ramesh Rathod has received simple injuries. Considering the allegations against all applicants and that the informant and witnesses have received simple injuries, the custodial interrogation of the applicants is not required and requested to allow

the applications.

6. It is contention of the learned APP alongwith learned counsel to assist the A.P.P. that the applicants alongwith co-accused entered the place where the naming ceremony was going on and they assaulted the informant, his uncle and other relatives with axe, iron rod and stones with intention to kill them. Learned A.P.P. further submitted that the applicants and co-accused caused damage to the motorcycles and other articles lying there, amounting to Rs.2,50,000/-. Considering these facts, the applicants were part of the group who assaulted the informant and his family members. Considering the allegations against the applicants their custodial interrogation is required and requested to reject the applications.

7. I have heard all learned counsel. Perused the F.I.R. and the police papers produced on record. The allegations against the applicant Rupesh Gaikwad shows that he assaulted on the head of Ranjit Rathod with axe. The injury certificate of Ranjit Rathod shows that he had suffered simple injuries. The allegations against applicant Rama Kawale are that he assaulted on the right hand of Ramesh Rathod. The allegations against applicant Samadhan Rathod are that he caused injuries by stone to witnesses Shilabai, Chaturabai and Masanbai. The injury certificates of all these witnesses show that

they have received simple injuries. The investigation is almost completed. Considering these facts as well as the fact that the witnesses to whom the applicants have assaulted, have received simple injuries, custodial interrogation of the applicants is not required and I pass following order :-

ORDER

- (i) The applications are allowed.

- (ii) The interim anticipatory bail granted to the applicants in both these applications, vide orders dated 23.08.2024 and 28.06.2024, respectively, stand confirmed on the same terms and conditions.

8. It is made clear that the observations made in this order are prima facie in nature only for the purpose of deciding these bail applications and the trial court shall not get influenced by the same while concluding the trial.

(SHIVKUMAR DIGE, J.)

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