



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO.3557 OF 2023**

Bhagwan Mahadu Nikam and Ors. ... Applicants
versus
The State of Maharashtra ... Respondent

Mr. Amit A. Gharte for Applicant.
Mr. R.M.Pethe, APP for State.
PN Umesh Mahipat Patil, Malegaon Taluka Police Station, Nashik (Rural) present.

**CORAM: N.J.JAMADAR, J.
DATE : 22 APRIL 2024**

P.C.

1. Heard the learned Counsel for the parties.
2. This is an application for pre-arrest bail in connection with C.R.No.782 of 2023 registered at Malegaon Taluka Police Station for the offences punishable under Sections 323, 324, 326, 504 and 506 read with Section 34 of the Indian Penal Code.
3. By an order dated 19 December 2023 this Court had granted interim bail opining, inter alia, as under :

“6. Prima facie, it appears that in respect of one and the same occurrence, two versions have been reported. Role of assault by means of knife is attributed to co-accused Sanjay Nikam. The applicants had allegedly assaulted the first informant and the injured by means of fist and kick blows. In the circumstances, till the application is decided after providing an effective opportunity to the prosecution, it may be expedient to grant interim protection to the applicants.”

4. Learned Counsel for the Applicants submits that pursuant to the

aforesaid order, the applicants have appeared before the IO and co-operated with the investigation.

5. The allegations against the applicants are that of assaulting the members of the informant party by means of fist and kick blows.

6. Learned APP tendered the injury certificates of Ramdas and Samadhan. Ramdas and Samadhan appear to have sustained simple injuries.

7. As noted in the interim order, in respect of one and the same occurrence, two versions have been reported. In the circumstances of the case, which of the party was the aggressor would warrant adjudication at the trial. Thus, having regard to the role of the applicants, further custodial interrogation of the applicants does not seem warranted. I am, therefore, persuaded to make the order of interim bail absolute.

7. Hence, the following order :

ORDER

(i) The Application stands allowed.

(ii) The order of interim bail dated 19 December 2023 is made absolute on the terms and conditions incorporated therein.

(iii) The Applicants shall regularly attend the proceedings before the jurisdictional Court.

(vi) The application stands disposed.

(vii) It is, however, clarified that the observations are confined to the consideration of entitlement for pre-arrest bail and the trial Court shall not be influenced by any of the observations in further proceedings.

(N.J.JAMADAR, J.)