IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

934 ANTICIPATORY BAIL APPLICATION NO. 2163 OF 2024
1. RAOSAHEB DAMU RATHOD
2. BABASAHEB DAGADU RAHTOD
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER
…
WITH
…
CRIMINAL APPLICATION NO.461 OF 2025
…
Advocate for Applicant : Mr. Sudarshan J. Salunke
APP for Respondent/State: Mr. G. O. Wattamwar
Advocate for Assist to PP: Ms. Karishma S. Sarin
…

CORAM : ARUN R. PEDNEKER, J.
DATE : 05.02.2025

P.C. :

1] Heard learned counsel for the applicants, the learned APP for the respondent-State and the learned counsel for assist to public prosecutor.

2] Criminal Application No.461 of 2025 is taken on board and stands partly allowed to the extent of assist to public prosecutor

3] The applicants are apprehending arrest in connection with Crime No.276/2024, dated 18.09.2024, registered at Chaklamba Police Station, District Beed, for

the offences punishable under Sections 109(1), 115(1), 352, 351(2), 351(3), 3(5) of the Bhartiya Nyaya Sanhita, 2023.

4] This court granted interim protection to the applicants for the reasons recorded at para 3 of order dated 20.12.2024, which is noted below:

> ***"3] The applicants have produced the order dated 12.12.2024 in Anticipatory Bail Application No.1946 of 2024 wherein this Court has granted anticipatory bail to the applicants therein in cross FIR of the same incident. The applicants submit that injury sustained by both parties are identical."***

5] The learned counsel appearing for the informant submits that after the interim protection is granted the applicants have threatened the informant and, accordingly, N.C. is lodged against them.

6] The learned counsel for the applicants submits that, at the relevant time, the applicants were not in the village and the N.C. is filed to retract this court from the earlier view of grant of interim protection and, ultimately, not to confirm the interim relief and / or to dismiss the application for anticipatory bail.

The learned counsel for the applicants submits that in pursuance of the order passed by this court dated 20.12.2024, the applicants have attended the concerned police station and cooperated with the investigation.

7] In the cross FIRs, although, both the parties are sustained injuries both the parties are protected and they are the resident of the same village and the alleged incident has taken place on account of usage of some newly constructed road.

8] The learned APP has produced injury certificate.

9] Although, parties have sustained injuries in the fight, the injuries seem to be simple in nature. At this moment, it is not clear and possible for this court to find out the exact reason and the person responsible for the fight between the parties.

10] In view of the above, the interim protection granted by order dated 20.12.2024 stands confirmed, on the following terms:

i] The applicants shall attend the police station as and when required by the Investigating Officer.

ii] The applicants shall not tamper with the evidence of the prosecution in any manner. They shall not influence the informant, witnesses and other persons concerned with the case.

iii] The applicants shall co-operate with the

investigation and also in the proceedings before the trial Court.

iv] The applicants shall not indulge themselves in any similar offences.

11] In the event, the applicants violate any of the conditions specified in this order, it shall be liable to be cancelled.

12] It is also clarified that the observations made in this order are limited to the disposal of the present anticipatory bail application and the trial Court shall proceed further in the matter without being influenced by the observations made hereinabove.

13] The application stands disposed of.

[ARUN R. PEDNEKER]
JUDGE

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