



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

962 ANTICIPATORY BAIL APPLICATION NO. 318 OF 2024

BHIVA @ RISHIKESH ZUMBAR IRKAR AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER

...
Advocate for Applicant : Mr. Rahul R. Karpe
APP for Respondents 1 & 2 : Mr. B.B. Bhise
...

CORAM : ARUN R. PEDNEKER, J.

DATE : 13.02.2025

PER COURT :

1. Heard the learned counsel for the applicants and the learned APP for the respondents-State.
2. The applicants are apprehending arrest in connection with Crime No. 602/2023 dated 28.12.2023 registered with Jamkhed Police Station, Tq. Jamkhed, District Ahmednagar for the offences punishable under sections 307, 326, 324, 341, 143, 144, 147, 148, 149, 323, 504, 506, 507 of I.P.C.
3. This Court by order dated 29.2.2024 has granted interim protection to applicant Nos. 1 and 3. The learned counsel for the applicants submits that in pursuance of the interim order of this Court, the applicants have cooperated with the investigation.
4. The case against the applicants is that present applicants along with other co-accused have assaulted the informant and one Nitin. The learned counsel for the applicants submits that the co-accused against whom there is specific allegations of assault, have been arrested and they have been released on regular bail. The learned counsel submits that as regards applicant Nos. 1 and 3, there is no allegation of assault, whereas as against applicant No. 2 – Devidas Ajinath Handal and applicant no. 4 - Parshuram

Mohan Dukre, there is allegation that they assaulted the informant by stick. The learned counsel submits that cross F.I.Rs were filed out of the same incident and the applicants and the persons from informant side sustained injuries. Today, the learned counsel has produced injury certificate showing that the applicants sustained injuries during incident.

5. The learned APP also produced injury certificate of the informant, which shows that the informant sustained various injuries which are simple in nature.

6. Considering the fact that it has been the fight between the two groups and cross F.I.Rs. are filed against each other and considering that the persons from both the sides sustained injuries during incident and at this stage, it is not possible to ascertain who are the aggressors and in view of the same, relief of anticipatory bail can be granted in favour of all the applicants.

7. In view of the above, the interim protection granted on 29.2.2024 in favour of applicant Nos. 1 and 3 is confirmed and the application of applicant Nos. 2 and 4 is allowed on the following terms :

i] In the evidence of arrest of applicant Nos. 2 and 4, in connection with Crime No. 602/2023 dated 28.12.2023 registered with Jamkhed Police Station, Tq. Jamkhed, District Ahmednagar for the offences punishable under sections 307, 326, 324, 341, 143, 144, 147, 148, 149, 323, 504, 506, 507 of I.P.C., they shall be released on bail on furnishing P.R. bond of Rs.20,000/- with one or two sureties in the like amount.

ii] The applicant Nos. 2 and 4 shall attend the police station on 17.2.2025 and 18.2.2025 between 10.30 a.m. to 1.00 p.m. and

thereafter as and when called by I.O.

iii] The applicant Nos. 1 and 3 shall attend the police station as and when required.

iv] 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.

v] The applicants shall co-operate with the investigation and also in the proceedings before the trial Court.

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

9. 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.

10. The application stands disposed of.

[ARUN R. PEDNEKER, J.]

SSC/