



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

945 ANTICIPATORY BAIL APPLICATION NO. 1672 OF 2024

Mahendra Shaligram Borse

VERSUS

The State Of Maharashtra

...

**WITH
ANTICIPATORY BAIL APPLICATION NO. 1679 OF 2024**

Vinod Shaligram Borse

VERSUS

The State Of Maharashtra

....

Advocate for Applicant : Mr. Patil Vijay Bhalerao

APP for Respondents-State: Mr. A.A.A.Khan

...

CORAM : ARUN R. PEDNEKER, J.

Dated : March 13, 2025.

PER COURT :-

1. Heard learned counsel for the applicants and the learned APP for the respondent-State.
2. The applicants are apprehending arrest in connection with FIR No.322/2024, registered at Dharangaon Police Station, District Jalgaon, for the offences punishable under sections 109(1), 3(5) of Bharatiya Nyaya Sanhita.
3. This Court granted interim protection to the applicants, considering the submissions of the applicant in paragraph 4 as under :-

"4. Learned Counsel for the Applicants submits that, merely because the applicants had lodged report against the injured earlier, they cannot be held responsible for the assault on him. He invites attention of this Court to the order passed by the learned Additional Sessions Judge, rejecting anticipatory bail on the ground that there is

previous enmity between applicant and injured. The Additional Sessions Judge does not even whisper in the order about involvement of the present applicants in the crime."

4. The learned Counsel for the applicants submits that the investigation in the matter is now complete, the charge sheet has been filed, and the Trial Court has granted bail to the applicants. He further submits that the direct involvement of the applicants is not made out, and they have been implicated solely based on the statement of the co-accused. There is no evidence indicating the presence of the applicants at the scene of the incident.

5. Considering these submissions, the interim order, and the fact that the investigation is complete and the charge sheet has been filed, no further custodial interrogation of the applicants is necessary. The interim protection granted to the applicants is confirmed.

6. In view of the above, the application is allowed in the following terms : -

i] In the event the applicants are arrested in connection with FIR No.322/2024, registered at Dharangaon Police Station, District Jalgaon, for the offences punishable under sections 109(1), 3(5) of Bharatiya Nyaya Sanhita, they shall be released on bail on furnishing PR bond of Rs.20,000/- with one or two sureties in the like amount to the satisfaction of the trial Court.

ii] The applicants shall attend the police station as and when called by the police.

iii] 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.

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

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

8. 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.

9. The applications stand disposed of.

(ARUN R. PEDNEKER, J.)

vj gawade/-.