



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

929 ANTICIPATORY BAIL APPLICATION NO. 1783 OF 2024

1. Suresh Sopan Dond
2. Sanjay Dnyandeo Pawar

Versus

The State of Maharashtra and another

.....

Mr. Rahul R. Karpe, Advocate for Applicant

Mrs. M. N. Ghanekar, APP for the respondent/State

WITH

ANTICIPATORY BAIL APPLICATION NO. 1788 OF 2024

ASHISH SURESH DOND

VERSUS

THE STATE OF MAHARASHTRA AND ANOTHER

.....

Mr. Rahul R. Karpe, Advocate for Applicant

Mrs. M. N. Ghanekar, APP for the respondent/State

CORAM : R. M. JOSHI, J.

DATE : 16th JANUARY, 2025

PER COURT :-

ORDER BELOW ANTICIPATORY BAIL APPLICATION NO. 1788 OF 2024

1. When this Court has shown its disinclination to grant relief, learned counsel for the applicant, on instructions, seeks leave to withdraw the application.
2. In view of this, application stands dismissed as withdrawn.

ORDER BELOW ANTICIPATORY BAIL APPLICATION NO. 1783 OF 2024

3. Applicants apprehends in connection with Crime No. 322/2024, registered with Shrirampur City Police Station, Dist. Ahmednagar for the offences punishable under Sections 324, 323, 143, 147, 148, 149, 504, 506 and subsequently added Section 326 of the Indian Penal Code.

4. A sum and substance of the first information report shows that an incident had occurred on 16/03/2024 at about 10.00 in which the present applicants and co-accused said to have assaulted informant and her husband with stick and hockey stick. He also claims that they were threatened.

5. Learned counsel for the applicants submits that in respect of the same incident first information report is lodged by accused No.1 Ashish. It is his submission that there are disputes between the parties and as such the possibility of false/over implication is not ruled out. Without prejudice, he submits that if any event be alleged fracture injuries cannot be attributed to the present applicants. Learned counsel for the applicants, on instructions, make statement that applicants have no criminal history.

6. Learned APP opposed the application by contending that

there is allegation against the present applicants too about using stick for causing assault on informant as well as her husband. She drew attention of the Court to the grievous injuries caused to the husband of the informant so also injuries caused to the informant herself. It is claimed that for the recovery of weapons custodial interrogation of the applicants is necessary. For want of any instructions from the Investigating Officer, learned APP not in position to make any statement about criminal history behind the applicants.

7. Perusal of the record indicates that some incident has certainly occurred on 16/03/2024 in view of the counter reports lodged by both sides against each other. *Prima facie* perusal of the first information report indicates that applicant Suresh is said to have caused assault on informant and her husband with stick, whereas the allegation against the co-accused Ashish is that he assaulted her husband with hockey stick. *Prima facie* perusal of the investigation papers indicate that the informant did not sustain any grievous injury whereas her husband did. This Court, therefore, finds substance in the contention of the learned counsel for the applicants that the said grievous injuries caused to the husband of the informant could be attributed to the co-accused and not to the present applicants. Applicants have no criminal history. Parties are having civil dispute as such possibility of over implication is

not ruled out. They are not likely to flee from justice. Hence, application stands allowed in terms of interim order dated 18/10/2024.

(R. M. JOSHI, J.)

ssp