



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

ANTICIPATORY BAIL APPLICATION NO. 1868 OF 2024

Ashok Dagadu Ausarmal And Others

VERSUS

The State Of Maharashtra

- Mr. A. L. Kanade, Advocate for the Applicants
- Mr. R. S. Wani, APP for the Respondent/State

CORAM : ADVAIT M. SETHNA, J

DATE : 16 JUNE 2025

P.C.:

1. This is pre-arrest bail application filed by the Applicants, who apprehend arrest.

2. In these proceedings, first information report ("FIR") in C.R. No. 202/2024 was lodged on 30 July 2024 at about 18.23 hours by Patoda Police Station, Dist. Beed. The date of the alleged incident is 20 February 2024 in the said FIR. The sections invoked in the FIR are 323, 326, 143, 147, 148, 149, 504, 506 of the Indian Penal Code ("IPC").

Case under FIR:-

3. It is the case of the prosecution that according to the informant on 20 February 2024 at about

11.30 am at the road of Beed to Shirur, his cousin brother Ashok Dagdu Ausarmal along with Sonu, Yogesh and two other unknown persons assaulted the informant with stick and kick blows due to dispute arising out of drawing water from common well of the agricultural land. Because of such assault, the informant collapsed on the road. Thereafter, one Laxman Ausarmal and Dada Bahir and other persons named in the FIR rescued him after which he has taken to the Government Hospital. It is subsequent to these events that the FIR has been lodged.

Submissions:-

4. Learned Advocate for the Applicants would submit that a bare perusal of the FIR dated 30 July 2024 reveal that the allegations are vague and general in nature. No specific role with regard to the alleged incident is attributed to the Applicants in any manner whatsoever. It is not known as to by which the Applicants and in what manner the injuries were caused to the informant. The entire dispute arose because of scuffle which appears to have been taken place at the heat of moment as a result of drawing water from the

common well of the agricultural land. The informant is the cousin brother of the Applicant No. 1. The FIR is lodged on 30 July 2024 whereas the incident pertains to 20 February 2024. Thus, there is an unexplained delay of about 5 months. By an order dated 13 March 2025, the Applicants were directed to remain present before the investigating officer. Such direction has been complied with by the Applicants. He would also place reliance on an affidavit dated 16 June 2025, which is taken on record to state that Applicants remained present at the Patoda Police Station on 24 March 2025 between 10.30 am to 01.30 pm, as directed by the Court. He would thus submit that in such facts and circumstances, *prima facie* case is made out for grant of anticipatory bail in favour of the Applicants and custodial interrogation is not in any manner necessary.

5. Learned APP would vehemently oppose such submissions on behalf of the Applicants. By referring to the case diary/papers, he would refer to the injury certificates which bears the date of 20 February 2024. It records that the injury is by a hard and blunt weapon, as noted therein, is also grievous. The injury

has taken place on the right wrist of the informant by it he has undergone a wrist fracture. He would also submit that there is an eye witness in the name of Laxman Devidas Ausarmal, whose statement is recorded on 02 August 2024, who has witnessed the alleged incident including the alleged assault and injury that has taken place as far as the informant is concerned. He would also refer to the statement of another eye witness Anirudh Bajirao Bahir, who endorse the statement given by the earlier eye witness Laxman Devidas Ausarmal. Learned APP thus would submit that considering the nature of injuries and the gravity of the offences, this is a fit case of custodial interrogation. Accordingly, the anticipatory bail application should be rejected.

Findings:-

6. Heard the learned Advocates for the parties. With their assistance, I have perused the record.

7. The FIR dated 30 July 2024 records the name of three Applicants/Accused persons including the present Applicants. The fact that an assault appears to have taken place on the informant is recorded. However, the

FIR does not attribute any specific role to any of these Applicants who have allegedly assaulted the informant. The role of this applicant *qua* such it not clearly spelt out in the FIR. The allegations appear to be vague and omnibus in nature. The incident appears to be arising out of a scuffle as a result of a dispute of drawing water from common well of the agricultural land. It could have taken place at the heat of the moment which, at this stage it cannot be ruled out. The FIR has been lodged on 30 July 2024 whereas the date of the incident is 20 February 2024. *Prima facie*, there appears to be substantial delay in lodging the FIR. Learned APP has attempted to explain the delay on the ground that the statement of the informant as recorded on 21 February 2024. However, the place where the statement is recorded and the place where the FIR is lodged were different, which led to causing of delay. However, in my view, *prima facie* it appears that there is inordinate delay in lodging the FIR. The fact that the alleged stick is recovered is also not controverted.

8. The affidavit dated 16 June 2025 filed on

behalf of the Applicant No. 1 to state that he has been present at the Patoda Police Station on 24 March 2025 between 10.30 am to 01.30 pm, as directed by the Court, is also not disputed. It *prima facie* appears that the Applicants have joined the investigation. It is also pointed out that there are no criminal antecedents as far as present Applicants are concerned.

8. Considering the above, a *prima facie* case in favour of the Applicants. It is trite law that it is right of the police to conduct a through investigation but in every case custodial interrogation may not be necessary. This is one such case where custodial interrogation of the applicants is in the given factual complexion not warranted. In such facts and circumstances, the following order would meet the ends of justice:

O R D E R

- (i) In the event of arrest of the applicants in connection with C.R. No. 202/2024 registered with Patoda Police Station, Dist. Beed for the offences punishable under Sections 323, 326, 143, 147, 148, 149, 504, 506 of the IPC, the applicants are directed to be released on bail on their furnishing PR bond in the sum of Rs. 20,000 (Rupees Twenty Thousand Only) each with one solvent sureties in the like

amount.

- (ii) The applicants shall cooperate with the investigation. They shall attend the concerned police station on every Monday at 11.30 am till filing of the charge-sheet.
- (iii) The applicants shall furnish details of residential address and other contact details such as mobile number etc. to the concerned police station. If there is any change in the contact details, the same shall be immediately informed to the concerned police station.
- (iv) The applicants shall not leave the jurisdiction of the Court without prior permission of the Court.
- (v) They shall not interfere with the evidence and shall not tamper prosecution witnesses in any manner whatsoever.

9. Needless to mention that these are *prima facie* observations made in adjudicating this ABA.

10. The ABA is allowed in above terms.

(ADVAIT M. SETHNA, J.)