

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

**ANTICIPATORY BAIL APPLICATION NO. 1464 OF 2022**

1. Vijay S/o Sonaji Bankar  
Age – 41 years, Occu. - Business  
R/o Adul, Tq. Paithan,  
Dist. Aurangabad
  2. Rahul S/o Sonaji Bankar  
Age – 36 years, Occu. - Service  
R/o Adul, Tq. Paithan,  
Dist. Aurangabad
- .. Applicants

Versus

The State of Maharashtra and another

.. Respondents

Mr. J. V. Deshpande, Advocate for the Applicants.  
Mr. S. P. Sonpawale, APP for Respondent Nos. 1 and 2.

**CORAM : KISHORE C. SANT, J.  
(VACATION COURT)**

**DATED : 31<sup>st</sup> OCTOBER, 2022.**

**P. C. :-**

1. Leave to add Superintendent of Police as a party. Amendment be carried out forthwith.
2. Heard learned advocate for the applicants and learned APP for Respondent Nos. 1 and 2.
3. The informant has lodged the First Information Report on 08.10.2022 with Aurangabad Rural Police Station bearing FIR No. 0343

for the offences punishable under Sections 354, 341, 506 r/w Section 34 of the Indian Penal Code.

4. Learned advocate for the applicants submits that the applicants are real brothers. The applicant No. 2 is in service. Learned advocate further submits that the accused and the informant are related to each other. The information is lodged as a counter blast to a complaint that was already lodged by wife of applicant No. 2 against the sons of sister in law of the informant in the present complaint. He submits that looking to the nature of the offence no custodial interrogation is necessary. He further submits that the applicants are resident of Adul, Taluka – Paithan, District – Aurangabad whereas, the informant is resident of Aurangabad. There is no reason for them to commit an offence looking to the relations between the parties. He submits that the place of alleged incident is on busy road and therefore, it creates doubt in the story of prosecution.

5. Learned APP produced the papers for perusal of this Court. He pointed out that there is even a statement under Section 164 of the Code of Criminal Procedure wherein informant has given statement consistent to her complaint. He pointed out that there are statements of independent persons as well which show that they have witnessed the incident.

6. I have considered the submissions of both the parties. Looking to the nature of allegations and looking to the fact that the applicant No. 2 is in service, this Court finds that interest of justice would be served by allowing the application by putting the applicants to some conditions. Hence, the following order.

**ORDER**

(I) The Anticipatory Bail Application No. 1464 of 2022 is allowed.

(II) The applicants be released on furnishing P.R. bond and solvent surety in the sum of Rs. 15,000/- (Rs. Fifteen Thousand only) each in the event of their arrest in connection with the offence registered with Aurangabad Rural Police Station dated 08.10.2022 in Crime No. 343/2022 of Police Station Pachod, Taluka- Paithan, District-Aurangabad.

(III) The applicants shall not enter Aurangabad city except for joining the duties.

(IV) The applicants shall not try to contact the informant or any of the witnesses and to tamper with the evidence.

(V) The applicants to attend Aurangabad Rural Police Station

every alternate day as per the directions of the I.O.

7. The Anticipatory Bail Application is disposed of.
8. Parties to act upon authenticate copy of this order.

**( KISHORE C. SANT, J. )**  
**VACATION COURT**

PS.B.