

**IN THE HIGH COURT AT BOMBAY
APPELLATE SIDE, BENCH AT AURANGABAD**

CRIMINAL APPLICATION NO. 253 OF 2015

Subhash s/o. Janardhan Andhale**Applicant.**

Versus

The State of Maharashtra**Respondent.**

Mr. N.B. Narwade, Advocate for applicant.

Mr. A.V. Deshmukh, APP for State.

CORAM : T.V. NALAWADE, J.
DATED : 29th January, 2015.

ORDER :

1. The application is filed for relief of anticipatory bail. Both the sides are heard. This Court has perused the papers of investigation.

2. The crime is registered on the basis of report given by one Bharat Kapse in Shevgaon Police Station and it is for the offences punishable under sections 307, 395, 452, 148 etc. of I.P.C. and section 3 r/w. 25 of Arms Act. The incident in question took place on 2.1.2015 after 8.00 p.m. When the complainant and his wife were at home, present applicant and other persons like Sada Darade entered the house with weapons like swords

and pistol. It is contended that in addition to four known persons, there were around 12 unknown persons and all of them, were brought by Sada Darade. Allegations are made that after entering the house, Bandu Darade gave blow of sword on the head of the complainant and Sada Darade had fired two bullets by using pistol. Allegations are made that all of them pelted stones on the house of complainant and they took away cash amount of Rs. 30,000/-. Allegations are made that they took away gold ornaments like necklace, Ganthan and they misbehaved with the lady members and they virtually torn the clothes of the lady members of his family and while leaving the house of the complainant, Sada Darade gave threat that he had influence over the authorities and he could even finish him.

3. The papers of investigation contain the statements of eye witnesses. Spot panchanama shows that some incident did take place. The case of sword was found on the spot of offence. There is injury certificate showing that the complainant sustained as many as 4 injuries and the history of use of sword was given to the hospital.

4. The learned counsel for the applicant submitted that the applicant is in politics and only out of political rivalry, the

applicant is falsely implicated in this case. He submitted that election to Village Panchayat will be held on 15.2.2015 and to prevent the applicant from contesting the election, he is involved in this case. On the basis of such submissions, he submits that applicant is entitled to relief of anticipatory bail.

5. In view of the aforesaid record, this Court holds that the material on record is sufficient to make out strong prima facie case against the applicant. In such a case, thorough investigation needs to be done. Unless such persons are kept behind bars, no fear is created in the minds of such persons. People feel insecure if protection of anticipatory bail is given to such persons.

6. In the result, the application is rejected. The observations are made for the purpose of present proceeding only.

[T.V. NALAWADE, J.]

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