

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

**8 CRIMINAL APPLICATION NO. 4377 OF 2016**

**BABLU S/O RAJKUMAR VIDHATE**

**VERSUS**

**THE STATE OF MAHARASHTRA**

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Mr. D.A.Mane h/f Mr. P.A.Bharat,  
Advocate for Applicant.

Mrs.V.N.Patil (Jadhav), A.P.P. for Resp. – State.

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**CORAM : A.M.BADAR, J.**

**DATE : 19<sup>th</sup> SEPTEMBER, 2016**

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**PER COURT :**

1. Heard the learned counsel for the applicant.
2. The learned A.P.P. opposed the application by contending that, by forming an unlawful assembly, accused persons including the present applicant, indulged in rioting and in that process caused hurt to the informant Akshay Rajendra Jadhav by means of dangerous weapon.
3. Perused F.I.R. lodged by informant Akshay Rajendra Jadhav. He alleged that the present applicant along with 5 other accused persons formed an unlawful assembly

and co-accused Sameer Bhingardive gave blow of 'Koyata' on his right palm. It is further averred that co-accused Sanket Bhingardive and Bablu Vidhate and others assaulted him by stones and threatened him.

4. Perusal of the injury certificate shows that the injured has suffered C.L.W. on right palm, which is certified to be simple in nature by the Medical Officer. Apart from that, the injured had also suffered blunt trauma. Considering the nature of injury and the material collected by the Investigating Officer, *prima facie*, it appears that the offence which may be established, is bailable offence. It is reported that co-accused are also granted anticipatory bail.

5. In this view of the matter, custodial interrogation of the present applicant is not warranted. Even in the F.I.R. also no role in actual assault is ascribed to him meaning thereby that nothing is to be recovered from him. Hence, the following order.

(i) The application is allowed.

(ii) In the event of his arrest in Crime No. 207/2016 registered at Tophkhana police station, Ahmednagar for the offences punishable u/ss 143,147,148,149,324,323,504,506 of the Indian Penal Code, u/s 4/25 of the Indian Arms Act and u/s 37 (1) and 135 of the Maharashtra Police Act, the applicant Bablu s/o Rajkumar Vidhate be released on bail on executing P.R. Bond of

Rs. 15,000/- [Rupees Fifteen Thousand] and on furnishing surety in the like amount.

(iii) As a condition of this Order, the applicant shall not extend any threat, inducement or promise to the persons acquainted with the facts of the accusation so as to dissuade them from disclosing the same either to the police or the Court.

(iv) The applicant shall not tamper the evidence of the prosecution witnesses.

(v) The applicant shall attend the concerned police station on 01/10/2016 in between 11.00 a.m. and 1.00 p.m. and he should co-operate the Investigating Officer in the investigation of the crime in question.

**[A.M.BADAR, J.]**