

sas

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**  
**CRIMINAL APPELLATE JURISDICTION**  
**ANTICIPATORY BAIL APPLICATION NO.1210 OF 2016**

Sandip Sahebrao Wabale ..Applicant.

V/s.

State of Maharashtra ..Respondent.

Mr.Pranav H. Bhote for the applicant.

Mr.Arfa Sait, APP for respondent-State.

Mr.Vilas K. Nale, API – Yavat Police Station, Pune (Rural).

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

**DATED : 3RD AUGUST, 2016**

**P.C. :-**

1. Applicant Sandip Wabale, accused in Crime No.414/2016 for the offences punishable under section 143, 147, 148, 149, 323, 324, 326, 504 and 506 of the Indian Penal Code registered with Yavat Police Station, Taluka Daund, District Pune by this application is praying for pre-arrest bail.

2. The learned counsel for the applicant argued that the applicant is a student of Engineering and at the relevant time, he was present at the programme arranged by the

Rotary Club at Daund. The learned counsel argued that the applicant is falsely implicated in the matter because of village politics.

3. The learned APP by drawing my attention to statement of Ajit Chavan has submitted that the present applicant attempted to give forceful blow of sword on the head of Ajit Chavan but the blow was warded off by the father of Ajit Chavan by pushing him away. My attention is also drawn to the statement of the injured witnesses.

4. In the F.I.R. lodged by Sambhaji Chavan he states that he is a member of the Patas Gram Panchayat. The informant reported that on 9<sup>th</sup> June, 2016 the accused persons had obstructed the work culvert. The F.I.R. shows that on 23<sup>rd</sup> June, 2016 at about 7.45 p.m. the informant was proceeding on his motor cycle from Bhagwatwadi to Shitole, the accused persons, including the present applicant assaulted him as well as his relatives.

5. The informant Sambaji Chavan has averred that the present applicant had assaulted his son Ajit by means of

sword. Perusal of statement of Ajit Chavan goes to show that the present applicant was holding a sword and he attempted to give a blow thereof on the head of Ajit. The informant Sambhaji Chavan pushed away the applicant Sandip Wabale and the blow could not struck Ajit Chavan.

6. Perusal of the injury certificate of Ajit Chavan shows that he has suffered simple injuries. Injury certificates of other prosecution witnesses also shows that they suffered simple injuries in the incident in question. Sword which was allegedly used in the crime is said to have been recovered at the instance of co-accused Krishna Wabale. Prima facie, it is seen that there was a free fight because of enmity between both parties. Though it is averred that the informant was alone returning to his house on motor cycle, the informant also averred that when the accused persons accosted him on the road, brothers and sons of the informant rushed to the spot. How they arrived at the spot cannot be gathered from the papers of investigation.

7. Prima facie, offence under section 326 of the Indian Penal Code is not made out from the papers of investigation.

In this view of the matter, custodial interrogation of the present applicant is not warranted and therefore, the order :-

- (i) The application is allowed;
- (ii) Interim anticipatory bail granted on 20<sup>th</sup> July, 2016 is confirmed on the same terms and conditions;
- (iii) The application is disposed of accordingly.

**(A.M.BADAR, J.)**