

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

ANTICIPATORY BAIL APPLICATION NO. 862 OF 2020

1. Prabhakar Tatyrao Funde
Age; 58 years, Occu.: Agri.,
2. Dnyanoba Tatyrao Funde
Age: 60 years, Occu.: Agri.,
3. Vilas Dnyanoba Funde
Age; 32 years, Occu.: Agri.,
4. Shrikant Prabhakar Funde
Age: 30 years, Occu.: Agri.,

All R/o Umrai, Tq. Ambajogai,
Dist. Beed

..APPLICANTS

VERSUS

State of Maharashtra
Through the Police Station Officer,
Dharur Police Station,
Dist. Beed.

..RESPONDENT

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Mr. A.T. Jadhavar, Advocate for applicants
Mrs. V.N. Patil Jadhav, A.P.P. for respondent – State
Mr. N.P. Bangar, Advocate for complainant

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**CORAM : R.G. AVACHAT, J.
(VACATION COURT)
DATED : 11th NOVEMBER, 2020**

PER COURT :

This is an application under Section 438 of Code of Criminal Procedure. The applicants claim to have an apprehension of being arrested in connection with Crime No. 223 of 2020 registered with Dharur Police Station,

Dist. Beed for the offences punishable under Sections 307, 147, 148, 149, 323, 504 and 506 of the Indian Penal Code.

2. Heard. Perused First Information Report ("F.I.R.", for short) and related police papers.

3. F.I.R. has been lodged on 29th August, 2020 relating to incident dated 26th August, 2020. It is alleged in F.I.R. that by 03.30 p.m. on 26th August, 2020, the informant was proceeding on his motorbike towards the house of his grandfather. On Adas-Ambajogai road, the applicants were present. They were armed with sticks and axe. They called the informant and made him sit on chair near Applicant No.1's Dhaba (roadside hotel). Applicant No.3 - Vilas questioned the informant as to why did he intervene in a dispute the applicants have in their brotherhood (भावकी). It is further alleged that Applicant Nos. 1, 2 and 4 caught hold of the informant and Applicant No.3 forcibly administered the informant poisonous substance laced with liquor. Thereafter they assaulted the informant. The informant, thereafter came to the village on his motorbike. Villages viz. Laxman Kendre, Achyut Kendre and Vijay Kendre took him to Ambajogai for treatment.

4. F.I.R. has been lodged three days after the alleged incident. The applicants have reason to contend that false F.I.R. has been lodged as a

counterblast to the F.I.R. lodged by Applicant No.1 against the informant and his family members on 28th August, 2020. The allegations in F.I.R. are that the applicants forcibly administered the informant poisonous substance with an intention to eliminate him. It is just difficult to digest the same since the informant, after having been allegedly administered the poisonous substance, returned to village on his own riding motorbike. The papers of investigation indicate that there are statements to suggest that the informant himself consumed some insecticide. As such, there is serious doubt about veracity of the allegations in F.I.R. The applicants, therefore, need to be protected by granting anticipatory bail. Hence the following order :-

ORDER

- (I) Application is allowed.
- (II) In the event of arrest of the applicant, in connection with Crime No. 223 of 2020 registered with Dharur Police Station, Dist. Beed for the offences punishable under Sections 307, 147, 148, 149, 323, 504 and 506 of the Indian Penal Code, the applicants be released on executing P.R. bond in the sum of Rs.15,000/- (Rupees Fifteen Thousand) each with surety in the like amount.
- (III) The applicants shall appear before the investigating officer, as and when required for the investigating purpose.

(IV) The applicants shall not tamper with the prosecution evidence.

(R.G. AVACHAT, J.)

SSD