

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

941 ANTICIPATORY BAIL APPLICATION NO.131 OF 2021

Bhayyasaheb s/o Pralhad Nagtile,
Age 31 years, Occ. Labour,
R/o. Bhim Nagar, Osmanabad
Tq. & Dist. Osmanabad. ... **Applicant.**

VERSUS

The State of Maharashtra,
Through Police Inspector,
Police Station Anand Nagar,
Osmanabad Tq. & Dist.
Osmanabad. ... **Respondent.**

WITH
ANTICIPATORY BAIL APPLICATION NO.130 OF 2021

Gopya @ Adarash s/o Shahaji Bansode,
Age 24 years, Occup. Labour,
R/o. Bhim Nagar, Nagnath Road
Osmanabad Tq. & Dist. Osmanabad. ... **Applicant.**

VERSUS

The State of Maharashtra,
Through Police Inspector,
Police Station Anand Nagar,
Osmanabad Tq. & Dist.
Osmanabad. ... **Respondent.**

Advocate for the Applicants : Mr. M.S. Karad.
APP for the Respondent/State : Mr. S.W. Mundhe.
CORAM : **MANGESH S. PATIL, J.**
DATE : **03.03.2021.**

PER COURT :

The applicants are seeking bail in the event of their arrest in connection with Crime No. 165/2020 registered with Police Station Anand

Nagar, Osmanabad District Osmanabad for the offences punishable under Section 307, 327, 143, 147, 148, 149 of the Indian Penal Code and under Section 11 of the Maharashtra Covid-19 Regulation, 2020 and under Section 135 of Maharashtra Police Act, 1951.

2. Shortly stated the allegations are to the effect that on 13.06.2020 during evening hours when the informant was sitting near a statue in a public place all the accused persons including the applicants arrived there on motor cycles. Accused No. 1 Balasaheb tried to run him down by his motor cycle. Accused Lalya is stated to have assaulted him with a sword. Applicant Bhayyasaheb is stated to have threatened him and applicant Gopya is stated to have snatched his gold chain.

3. The learned advocate for the applicant would submit that in fact the informant and his associates were the aggressors and had assaulted Suraj Bhagwat Bokefode and other persons. They also abused them on caste lines about which a counter F.I.R. has been registered as Crime No. 164/2020. To give counter blow, the present F.I.R. has been lodged thereafter. The allegations against the applicants are vague and omnibus. Prime accused Balasaheb and Lalya have already been arrested. The applicants are ready to cooperate the Investigating Officer. Their custodial interrogation is not necessary. They may be granted anticipatory bail.

4. The learned A.P.P. opposes the applications. He submits that the offence is serious. The fact that the counter F.I.R. has been lodged is sufficient to infer that the applicants were present at the spot. Though the informant did sustain a minor injury, the gold ornament has been snatched which is still to be recovered. The sword is also still to be recovered. Therefore custodial interrogation of the applicants is highly imperative.

5. After having heard the arguments when this Court expressed its disinclination to grant anticipatory bail to applicant Gopya @ Adarsh @ Shahaji Bansode (in ABA No. 130/2021), his learned advocate, on

instructions, seeks leave to withdraw the application. Leave is granted.

6. Accepting the allegations at their face value the only role attributed to applicant Bhayyasaheb is about he having threatened the informant. No utterances have been referred to in the F.I.R. Considering the fact that it was a dispute between the two groups, when prime accused have already been arrested and even when the application of Gopya @ Adarsh Bansode is also being rejected, custodial interrogation of the applicant does not seem to be necessary. There are no criminal antecedents. The injury sustained by the informant is also simple.

7. The Anticipatory Bail Application No. 131/2021 is allowed. In the event of the arrest of the applicant in connection with Crime No. 165/2020 registered with Police Station Anand Nagar, Osmanabad District Osmanabad for the offences punishable under Section 307, 327, 143, 147, 148, 149 of the Indian Penal Code and under Section 11 of the Maharashtra Covid-19 Regulation, 2020 and under Section 135 of Maharashtra Police Act, 1951, he shall be released on bail on his executing personal recognizance for an amount of Rs. 15,000/- and furnishing a solvent surety in the like amount, subject to following conditions :

(a) He shall attend the concerned police station as and when called by the Investigating officer and shall cooperate him.

(b) He shall not tamper the evidence or influence the witnesses.

8. Anticipatory Bail Application No. 130/2021 is rejected as withdrawn.

(MANGESH S. PATIL, J.)

mkd/-