

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

ANTICIPATORY BAIL APPLICATION NO. 241 OF 2021

- 1] Pratap Narsing Datar,
Age : 29 years, occu. Agri & Business,
R/o. Belgaon, Tq. Kaij, Dist. Beed.
- 2] Narsing Limbaji Datar,
Age : 60 years, Occu. Agriculture,
R/o. Belgaon, Tq. Kaij,
Dist. Beed.

...Applicants

Versus

The State of Maharashtra

...Respondent

.....
Shri. N. L. Choudhari, Advocate for the applicants
Shri. V. S. Badakh, APP for respondent / State
.....

**CORAM : V. G. BISHT, J.
DATE : 12th AUGUST, 2021**

PER COURT : -

1. This is an application under Section 438 of the Code of Criminal Procedure, 1973 preferred by the applicants seeking grant of anticipatory bail in connection with Crime No. 0559 of 2020, registered with Kaij Police Station, District Beed, for the offences punishable under Sections 324, 323, 504, 506 read with 34 of the Indian Penal Code and Sections 3 and 25 of the Indian Arms Act.

2. On 30.12.2020, while the informant was standing in front of his house, the villagers namely, Pratap Narsing Datar (applicant no. 1), Narsingh Limbaji Datar (applicant no. 2) and two unknown persons came near him. Applicant no. 1 put a pistol on the head of informant and asked whereabouts of his brother namely Khanderao, to which he replied that he doesn't know. Hearing this, applicant no. 2 gave a blow of knife on the left hand and thus injured informant. After hearing the commotion of quarrel, the cousins of informant rushed, however, they were also assaulted and later on they went away.

3. Shri. N. L. Choudhari, the learned Counsel for the applicants, submits that the present applicants have been falsely implicated with a view to harass them due to political rivalry in the village. Moreover, the nature of injury allegedly sustained by informant is also nowhere explained. In such circumstances and the fact that no criminal antecedents of the applicants are brought on record, they deserve to be released on anticipatory bail.

4. Shri. V. S. Badakh, learned APP opposed the above submissions and contended that the weapons were used by the present applicants while committing the crime and the fact that the

investigation is in progress, they should not be protected by the order of anticipatory bail.

5. A careful perusal of the FIR would show that, it was the applicant no. 1, who had put the pistol on the head of the informant and then asked about the whereabouts of the brother of the informant, to which he replied in negative. It is at that point of time, the applicant no. 2 allegedly assaulted on the left hand. The learned Counsel for the applicants has rightly pointed out that the nature of injury is nowhere explained by the prosecution. Moreover, while granting interim protection on 05.03.2021, this Court (Coram : Mangesh S. Patil, J.) has already imposed certain conditions, which will take care of the investigation.

6. This being the obtaining situation, this Court is inclined to allow the application. Accordingly, the application is allowed and the interim protection granted on 05.03.2021, is made absolute and is confirmed.

[V. G. BISHT]
JUDGE