

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

907 ANTICIPATORY BAIL APPLICATION NO.273 OF 2021

1. RAJU DATTU SHELKE
2. RAJENDRA SAHEBRAO KARDILE
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER

with
ANTICIPATORY BAIL APPLICATION NO.274 OF 2021

ANIL DASHRATH KARDILE
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER

...
Advocate for Applicants : Mr. Ghanwat Nikhil P
APP for Respondents/State : Mrs. R.P Gour
...

CORAM : M.G. SEWLIKAR, J.
DATE : 23.04.2021

PC.:-

Both these applications are disposed of by common order as they arise out of the same crime.

2. Facts giving rise to these applications are that applicant-Anil (ABA No.274 of 2021) had contested gram panchayat elections and was declared as elected Member of the gram panchayat. On the day of the incident he happened to meet the informant. The informant had contested the elections against applicant-Anil in the gram panchayat elections. Applicant-Anil

nurtured grudge in his mind. On seeing the informant, applicant-Anil got annoyed and he instigated all the accused persons. Two of the accused assaulted the informant by means of sword. It is alleged that the applicants in application no.273/21 used sticks during commission of the offence due to which informant sustained injuries. He was shifted to the hospital. During hospitalisation FIR came to be lodged on the basis of which offence punishable under Section 307, 326, 324, 143, 147, 148, 149, 323, 504, 506 of the I.P.C. and under Section 3/25, 4/25 of the Indian Arms Act and under Section 37(1), 37(3) and 135 of Maharashtra Police Act came to be registered with Parner Police Station, District Ahmednagar.

3. Learned counsel Shri Ghanwat for the applicants submitted that the elections were already over and the applicant-Anil had been declared as elected. Therefore, there was no occasion for applicant-Anil to nuture any grudge against the informant. He submitted that the only allegation against applicants in application no. 273/2021 are that they used sticks during the commission of the offence. He submitted that informant has sustained injuries alleged to be caused by sword only. Medical certificate does not show that informant sustained any other injury which can be connected with the assault by applicants in application no.273/2021. He submitted that applicant-Anil is handicapped with both legs and with both wrists. He can

walk only with support and it is therefore incomprehensible that he would have participated in the alleged incident. He submitted that allegations in the FIR themselves show that because of political rivalry this false FIR has been filed. He, therefore, prayed for releasing the applicants on anticipatory bail.

4. Smt. Gour learned APP for the State submitted that the allegations against the applicants are serious. Applicants in both the applications participated in the assault launched by them on the informant. She submitted that applicant-Anil is the mastermind of the assault. The allegations themselves show that he could not tolerate that the informant had the temerity to contest elections against the applicant-Anil and therefore out of vengeance this assault was launched. Smt. Gour further submitted that the charge-sheet is filed and from the charge-sheet role of each of the applicants can be discerned. She submitted that custodial interrogation of all the applicants is necessary and therefore none of them deserve to be released on anticipatory bail.

5. So far as applicants in application no.273/2021 are concerned the only allegation against them is that they assaulted informant by means of sticks. A vague allegation is made against them that they used sticks in assaulting the informant. Medical certificate shows that injuries were simple and inflicted by means of sharp object / sword. Therefore, except bare

allegations, there is nothing on record to show that applicants had actually used sticks during the commission of offence, therefore applicants in application No.273/2021 are entitled to be released on anticipatory bail as their custodial interrogation does not seem to be necessary.

6. So far as applicant-Anil is concerned when this Court expressed that applicant-Anil is not entitled to any relief, Shri Ghanwat learned counsel for the applicant-Anil sought permission to withdraw the application to the extent of applicant-Anil. Hence the following order is passed:

ORDER

- I) Application No.273/2021 is allowed.
- II) Applicant nos.1 and 2 in application no.273 of 2021 be released on PR bond of Rs.50,000/- each with one solvent surety in the like amount in the event of their arrest in Crime No.50/21 registered with Parner Police Station, District Ahmednagar under Section 307, 326, 324, 143, 147, 148, 149, 323, 504, 506 of the I.P.C. and under Section 3/25, 4/25 of the Indian Arms Act and under Section 37(1), 37(3) and 135 of Maharashtra Police Act on a condition that they shall attend the concerned police station as and when called by the Investigating Officer.
- III) Application No.274/2021 is allowed to be withdrawn.

[M.G. SEWLIKAR, J.]