

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

ANTICIPATORY BAIL APPLICATION NO.441 OF 2021

1. Pradosh s/o. Gangadhar Jadhav
(Application of applicant no.1
is disposed of as withdrawn as
per Court's order dated 03.05.2021)
2. Babu @ Baku s/o. Dattu @ Dattaztrya
Bhojgude
3. Dnyaneshwar @ Gulya s/o. Jaku @
Jakuram Jadhav ..Applicants

Vs.

The State of Maharashtra
and ors. ..Respondent

Mr.Amol Gandhi, Advocate for applicants
Mr.S.B.Pulkundwar, APP for respondent

**CORAM : R.G. AVACHAT, J.
DATE : MAY 25, 2021
(Vacation Court)**

PER COURT :-

This is an application for anticipatory bail.
The applicants claim to have apprehension of arrest in
connection with Crime No.082 of 2021 registered with
Georai Police Station, Tq. Georai, Dist. Beed, for the
offences punishable under Sections 143, 147, 148,

307,327, 324, 323,504 and 506 read with Section 149 of the Indian Penal Code.

2. Heard. Perused the First Information Report ("FIR", for short) and the related papers.

3. The FIR has been lodged by Kiran Gawde on 01.03.2021 of the incident dated 27.02.2021. It is alleged in the FIR that on 27.02.2021 by 05.30 p.m., the informant along with his friends, was present at "Singam Pan Centre". One Pradosh Jadhav accompanied with Sanjay Pawar and Vitthal Jadhav came there. The informant's friend – Nitesh Bhople asked Pradosh to pay his dues, amounting to Rs.13,000/-. He refused to pay. He abused him as well. The informant intervened. He too, was abused and given threats to his life. The informant then returned his home.

4. It is further alleged that by 08.00 p.m. on the same day, the informant and his brother – Pawan along with their 4-5 friends were present at the informant's shop. One tempo came there. About 5-7

persons were therein. Those persons pelted empty beer bottles towards the informant and his companions. One Sanjay Pawar questioned the informant, as to why did he intervene in the dispute between Nitesh and Pradosh. Sanjay then assaulted the informant with a barber's razor. He also snatched the informant's gold chain and amount of Rs.4,070/-. Since Nitesh intervened, he too, was beaten up by Pradosh. The informant's nephew - Yogesh also intervened. He too was assaulted. The informant's brother - Pawan was assaulted by Babu Bhojgude (applicant) with stick. Then, Babu, Vitthal and Dnyaneshwar Jadhav (applicant) pelted empty beer bottles towards the informant and his companions. Then they went away.

5. Learned counsel for the applicants would submit that no particular overt-act has been attributed to the applicants. At the most, Section 323 or 324 of Indian Penal Code may get attracted against them. The FIR has been lodged two days after

the incident. It is nothing but a counter-blast to the FIR filed on 28.02.2021 against the informant and his companions. Learned counsel would urge for grant of anticipatory bail to the applicants.

6. Learned APP would, on the other hand, submit that Section 307 of Indian Penal Code gets attracted. The applicants have been involved in the serious offence. Their custodial interrogation is required. He would, therefore, urge for rejection of the application.

7. On reading the FIR, it is clear that applicant no.2 – Babu has been attributed with assault with stick. Both the applicants are alleged to have pelted empty beer bottles towards the informant and his companions. Their involvement in the offence under Section 307 of I.P.C. is sought to be invoked on the basis of Section 149 of Indian Penal Code. From the allegations made against the applicants herein, in my view, no custodial

interrogation of the applicants is warranted. At the most, offence under Section 324 of I.P.C. gets attracted against them. The same is bailable one. There is delay of two days in lodging the FIR. It appears that regarding the same incident, FIR has been registered against the informant and his companions. In short, a case is made out for grant of anticipatory bail to applicants nos.2 and 3.

The application of applicant no.1 has already been disposed of as withdrawn vide order dated 03.05.2021.

8. In view of the above, the application is allowed in terms of the following order:-

(i) In the event of arrest in connection with Crime No.082 of 2021 registered with Georai Police Station, Tq. Georai, Dist. Beed, for the offences punishable under Sections 143, 147, 148, 307, 327, 324, 323, 504 and 506 read with Section 149 of the

Indian Penal Code, applicant no.2 - Babu @ Baku s/o. Dattu @ Dattaztrya Bhojgude and applicant no.3 - Dnyaneshwar @ Gulya s/o. Jaku @ Jakuram Jadhav be released on executing P.R. Bond in the sum of Rs.15,000/- (Rupees Fifteen Thousand) each with one surety each in the like amount.

(ii) The applicants shall attend the concerned Police Station as and when required by the Investigating Officer.

[R.G. AVACHAT, J.]

kbp