

Vishwas s/o Ashok Dethe ... **Applicant**
Age 40 years, Occu: Agri.
R/o Khospri, Tq. Nagar,
District Ahmednagar.

1.	The State of Maharashtra, Through Police Inspector, MIDC Ahmednagar	...	Respondents
2.	The Superintendent of Police Ahmednagar		

Mr. Abhijit S. More, Advocate for the applicant,
Mr. N. T. Bhagat, A.P.P. for the State.

CORAM : V. G. BISHT, J.
DATE : 17th August, 2021.

1. This is an application under section 438 of the Code of Criminal Procedure, 1973 preferred by the applicant seeking grant of pre-arrest bail in connection with Crime No.229/2021, registered with MIDC Police Station, Ahmednagar, District Ahmednagar for the offences punishable under Sections 307, 354, 452, 143, 147, 148, 149, 324, 323, 504, 506 of the Indian Penal Code, 1860 and Sections 37(1), 37(3), 135 of Bombay Police Act.

2. On 11.04.2021, at about 8.30 p.m., while the informant was cooking food, one Simon Bapu Bhalerao came and started abusing her. When the informant persuaded him, he allegedly entered into her house, caught hold of her hands and pulled her clothes. The informant raised commotion and therefore Simon Bapu Bhalerao fled away. Later on, the informant informed her husband and brother. The informant alleges that said Simon Bapu Bhalerao and others including the present applicant thereafter came armed with weapon. The present applicant was armed with wooden log. The present applicant then gave blow of wooden log on the head of the informant's cousin namely Salim Pathan and when the informant's another cousin namely Nisar went to save the said Salim, he was assaulted by said Simon Bapu Bhaleao by means of sharp weapon.

3. Mr. Abhijit S. More, learned counsel for the applicant, submits that the present applicant has been falsely implicated and has been roped with ulterior motive to counter the first information report lodged by Simon Bapu Bhalerao against the husband of the present informant and others. The learned counsel then submitted that the alleged incident took place on 11.04.2021 whereas the first information report came to be lodged on 13.04.2021 i.e. after two days of the incident for which there is no satisfactory explanation. In such circumstance, the learned counsel urged that the application be allowed.

4. Mr. N. T. Bhagat, learned A.P.P., on the other hand, submitted that the present applicant and others had assaulted the informant's family members. The first information report to that effect is very much clear. Investigation is in progress. In the circumstance, the application should not be allowed.

5. The only allegation against the present applicant is that he had assaulted cousin brother of the informant namely Salim Pathan by means of wooden log. Medical certificate of said Salim Yunus Pathan is produced before me for perusal by the learned A.P.P. which shows that he had sustained simple injuries.

6. In view of the above and the fact that there is complaint and cross complaint against the parties to the dispute and the alleged role played by the present applicant, in my considered opinion, the present application deserves consideration.

7. In view of above, I pass following order.

O R D E R

- i. In the event of arrest of the applicant in connection with Crime No.229/2021, registered with MIDC Police Station, Ahmednagar, District Ahmednagar for the offences punishable under Sections 307, 354, 452, 143, 147, 148, 149, 324, 323, 504, 506 of the Indian Penal Code, 1860 and Sections 37(1), 37(3), 135 of Bombay Police Act, the

applicant is directed to be enlarged on bail on his furnishing P.R. Bond of Rs.20,000/- [Rs. Twenty thousand only], with one or two solvent sureties in the like amount.

- ii. The applicant shall attend concerned police station as and when called and shall cooperate with the police in the investigation.
 - iii. The applicant shall not tamper with prosecution evidence in any manner.
8. Application stands disposed of in the aforesaid terms.

(V. G. BISHT, J.)

JPC