

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

**ANTICIPATORY BAIL APPLICATION NO. 670 OF 2021**

Giridhar s/o Suryabhan Hule ... **Applicant**  
Age 41 years, Occu: Agriculture  
R/o Daithana Tq. Shirur-Anantpal  
Dist. Latur

**VERSUS**

1. The State of Maharashtra, ... **Respondents**  
Through Incharge Police Officer,  
Udgir (Rural), Dist. Latur.
2. The Superintendent of Police,  
Latur, Dist. Latur

**WITH**

**ANTICIPATORY BAIL APPLICATION NO. 679 OF 2021**

Vijaykumar s/o Balaji Samangave ... **Applicant**  
Age 20 years, Occu: Agriculture  
R/o Daithana Tq. Shirur-Anantpal  
Dist. Latur

**VERSUS**

1. The State of Maharashtra, ... **Respondents**  
Through Incharge Police Officer,  
Udgir (Rural), Dist. Latur.
2. The Superintendent of Police,  
Latur, Dist. Latur

Mr. P. R. Katneshwarkar h/for Mr. Manoj g. Biradar for the applicants,  
Mr. V. S. Badakh, A.P.P. for the State.

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

**ORDER:**

1. Present applications under section 438 of the Code of Criminal Procedure, 1973 are preferred by the applicants seeking grant

of pre-arrest bail in connection with Crime No. 186/2021 registered with Udgir Rural Police Station District Latur for the offences punishable under Sections 307, 324, 323, 143, 147, 148, 149, 506 of the Indian Penal Code, 1860.

2. The first information report shows that on 17.05.2021, at about 8.30 p.m. the informant and his friends were standing in front of the house of one Madhukar Biradar. Accused Girdhar (Applicant in ABA/670/201) came there on motorcycle. Other accused namely Yogesh Hule also reached there by his four wheeler along-with Vijaykumar (Applicant in ABA/679/21). Applicant Girdhar instigated accused Yogesh and others to run over the the body of the informant and others as, according to him, they had harassed him by lodging complaint. Thereafter, applicant Vijaykumar and others came together in front of one Barber shop on motorcycle with deadly weapons like Katti, Koyta, Axe, sticks with an intention to kill the informant and his friends. Accused Yogesh then dashed Baban Biradar by his Car and also ran over the left leg of the informant.

3. Mr. P. R. Katneshwarkar, learned Advocate for the applicants, submits that no overt act is attributed on the part of the present applicants. Although the incident allegedly took place on 17.05.2021, the first information report came to be lodged on 18.05.2021. The learned counsel invited my attention to the first information report filed by the applicant Girdhar Hule on the same day and also to the photographs wherein the present applicant sustained serious head

injury. In such circumstances, the learned counsel urged that pre-arrest bail be granted in favour of the applicants.

4. Mr. V. S. Badakh, learned A.P.P., on the other hand, vehemently opposed the submissions by contending that the role of the applicants is categorically specified in the first information report. Because of the alleged act of the applicants and others, three persons had sustained simple and grievous injuries, investigation is in progress and therefore it is not desirable that they be granted benefit of pre-arrest bail.

5. As far as the present applicants are concerned, a careful perusal of the first information report would reveal that no specific role pinpointing the complicity of the present applicants is discernible. The main accused appears to be Yogesh Suryabhan Hule who allegedly had dashed against the person of Baban Biradar and others. As against this, if counter complaint lodged by applicant Giridhar alias Pintu Suryabhan Hule and photographs are to be seen, it is seen that he had sustained serious injury on his head in the same incident.

6. As far as submission of learned A.P.P. that there were three persons who were injured, he had submitted medical certificates of Vishwmbhar Rajkumar Patil, who appears to have sustained grievous injury on his left leg, whereas Pradumna Sanjay Patil, Baban Subhash Birader sustained simple injuries.

7. Having regard to the facts and circumstance of the case and more particularly in view of the fact that no specific overt-act is attributed on the part of these applicants, in my considered opinion, they are not required to be needed for custodial interrogation. Their applications deserve consideration.

8. In view of the above, I pass following order.

**O R D E R**

- i. In the event of arrest of the applicants in connection with Crime No. 186/2021 registered with Udgir Rural Police Station District Latur for the offences punishable under Sections 307, 324, 323, 143, 147, 148, 149, 506 of the Indian Penal Code, 1860, the applicants are directed to be enlarged on bail on their furnishing P.R. Bond of Rs.20,000/- [Rs. Twenty thousand only] each, with one or two solvent sureties in the like amount.
  - ii. The applicants shall attend concerned police station as and when called and shall cooperate with the police in the investigation.
9. Applications stand disposed of in the aforesaid terms.

(V. G. BISHT, J.)

JPC