

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

ANTICIPATORY BAIL APPLICATION NO. 715 OF 2021

Kashinath s/o Ganpat Nayakwal,
Age : 50 years, Occu. Agri.,
R/o. Digraswani, Tq. & Dist. Hingoli.

...Applicant

Versus

The State of Maharashtra

...Respondent

.....
Mr. D. U. Kamble, Advocate for the applicant
Smt. V. S. Choudhari, APP for respondent / State
.....

**CORAM : V. G. BISHT, J.
DATE : 20th AUGUST, 2021**

PER COURT : -

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. 0029 of 2021, registered with Basamba Police Station, District Hingoli for the offences punishable under Sections 307, 326, 324, 279, 504, 506 r/w 34 of the Indian Penal Code.

2. On 05.03.2021 at about 07:00 pm, while the informant was unloading the sacks of chickpea (हरभरा) from the tractor, Vishnu @

Vinayak Kashinath Nayakwal came in a pick up van and asked to remove the tractor from the road. It is further alleged that, after unloading the sacks from the tractor, Parmeshwar Kashinath Nayakwal, Kashinath Ganpat Nayakwal (present applicant), Vishnu @ Vinayak Kashinath Nayakwal and Rameshwar Champat Nayakwal came and with an intention to kill the father of the informant, Parmeshwar gave a blow of axe on his head and injured him seriously. It is further alleged that, when the informant intervened the present applicant gave a blow of iron rod on his head and caused injury. Similarly, Vishnu @ Vinayak also assaulted the informant's brother by means of stick.

3. Mr. D. U. Kamble, learned Counsel for the applicant, submits that the investigation in the present matter is almost over and there is no material on record to substantiate that the applicant committed an offence under Section 307 of the Indian Penal Code. This being so, the applicant be granted the benefit of pre-arrest bail.

4. Smt. V. S. Choudhari, learned APP, on the other hand, submitted that the applicant along with the other accused had assaulted the informant, his brother and father by means of axe and iron rod.

Investigation is still going on and in such circumstances, there is no merit in the application and same be rejected.

5. As far as the role of present applicant is concerned, the FIR shows that he had allegedly given a blow of iron rod on the head of the informant. The learned APP has produced on record Medico Legal Cum Injury Certificate pertaining to the informant, which shows that the informant had sustained contused lacerated wound on right temporal region. The nature of injury sustained by him was simple.

6. In view of above, in my considered opinion, the present application deserves consideration. Hence, following order.

ORDER

- i. In the event of arrest of the applicant herein in connection with Crime No. 0029 of 2021, registered with Basamba Police Station, District Hingoli for the offences punishable under Sections 307, 326, 324, 279, 504, 506 r/w 34 of the Indian Penal Code, 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 the concerned police station as and when called and shall cooperate with the police in the investigation.
- iii. The applicant shall not tamper with the prosecution evidence in any manner.

7. The Anticipatory Bail Application No. 715 of 2021 stands allowed in aforesaid terms.

[V. G. BISHT]
JUDGE