

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

ANTICIPATORY BAIL APPLICATION NO. 842 OF 2021

Umesh Shivaji Vetel,
Age : 27 years, Occu. Labour,
r/o. Limpangaon, Tq. Shrigonda,
Dist. Ahmednagar.

...Applicant

Versus

The State of Maharashtra

...Respondent

.....
Mrs. Sunita G. Sonawane, Advocate for the applicant
Mr. N. T. Bhagat, APP for respondent / State
.....

**CORAM : V. G. BISHT, J.
DATED : 02nd September, 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. 322 of 2021, registered with Shrigonda Police Station, District Ahmednagar, for the offences punishable under Sections 326, 327, 324, 143, 147, 148, 149, 323, 504, 506 of the Indian Penal Code and u/s 4/25 of the Arms Act.

2. The prosecution case, in short, is that on 28.05.2021 a dance programme was arranged at Siddheshwar Covid Centre, Limpangaon for the entertainment of the Covid patients. The

informant had kept the sound system and was operating. At about 10:00 pm, the applicant came and started abusing the informant, threatened and asked to close the sound system otherwise he would destroy the same. Even applicant assaulted the informant by fist and kick blows. The prosecution, however, alleges that the applicant and others, who were armed with sword, wooden log and sticks beat the informant, his mother, cousin and others. The applicant also assaulted informant's cousin namely, Ravindra Lashkare, on his mouth by means of fighter and as a result of which, lips were torn and a tooth got dislocated.

3. Mrs. Sunita G. Sonawane, learned Counsel for the applicant, submits that the applicant and the informant were activists of opposite parties in Grampanchayat election and because of political rivalry the applicant has been falsely implicated. Moreover, other co-accused have already been given the benefit of anticipatory bail and regular bail by the learned trial Court. As far as the role of present applicant is concerned, having regard to the allegations, his custodial interrogation is not necessary. The applicant is a permanent resident of the village and, therefore, there is no chance of his absconding during the trial.

4. Mr. N. T. Bhagat, learned APP, on the other hand, opposed the submissions by contending that the investigation is in progress and if the applicant is given benefit of pre-arrest bail, the possibility of his tampering the prosecution evidence cannot be ruled out. Learned APP also submitted the injury certificate for my perusal.

5. From the FIR, it is clear that the present applicant had allegedly assaulted cousin of informant namely, Ravindra Lashkare on his mouth by means of a fighter. Perusal of medical certificate would show that Ravindra Lashkare had sustained injuries viz. loss of upper central incisors, bruised upper and lower lip, abrasion over the right elbow and contused lacerated wound over the upper lip below the nose, respectively. However, all the injuries were simple in nature.

6. Having regard to the above facts and keeping in mind the injury certificate, I am of the view that the custodial interrogation of the applicant is not necessary and, therefore, the application deserves consideration.

7. In view above, I am inclined to allow the application and pass the following order.

ORDER

- i. The application is allowed.
- ii. In the event of arrest of the applicant in connection with Crime No. 0322 of 2021, registered with Shrigonda Police Station, District Ahmednagar, for the offences punishable under Sections 326, 327, 324, 143, 147, 148, 149, 323, 504, 506 of the Indian Penal Code and u/s 4/25 of the Arms Act, the applicant is directed to be enlarged on bail on his furnishing P.R. Bond of Rs.20,000/- [Rs. Twenty thousand], with one or two solvent sureties in the like amount.
- iii. The applicant shall attend the concerned police station as and when called and shall cooperate with the police in the investigation.
- iv. The applicant shall not tamper with the prosecution evidence in any manner.

[V. G. BISHT]
JUDGE