

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

13 ANTICIPATORY BAIL APPLICATION NO.838 OF 2021
IN /0/

KAMALBAI GANPATI KADAM AND ANOTHER
VERSUS
THE STATE OF MAHARASHTRA

...

Advocate for Applicants : Mr. Ramchandra S. Patil
APP for Respondents: Mr. S.B. Narwade.

CORAM : V.G. BISHT, J.

DATE : 9th August.2021.

PER COURT:

1] This is an application under Section 438 of Cr.P.C. preferred by the applicants seeking grant of pre-arrest bail in connection with Crime No. 0157 of 2021 registered at Kingaon Police Station, Dist. Latur for the offence punishable under Sections 307, 452, 143, 147, 148, 149, 337, 323, 504 and 506 of IPC.

2] From the FIR, it is seen that on 17.6.2021, when the informant – Ram Vitthalrao Kadam, was going in his four wheeler, the applicant No.2 was sitting on the said motor cycle which was parked on the road, thereby blocking the road. When the informant asked him to remove the motorcycle, it is alleged that he assaulted him by means of stones. Lateron, the applicant No.2 and other accused went to the house of the informant and there also they assaulted him.

3] As far as the applicant Nos.1 and 2 are concerned, they alleged to have assaulted the informant by means to stones. Except this, there is nothing against the applicants.

4] Heard learned counsel for the applicant and learned APP. According to the learned counsel for the applicant, having regard to the accusations against the present applicants/accused there is no necessity of custodial interrogation. There is a dispute on account of property and the applicants are falsely implicated in the offence.

5] Per contra, the learned APP opposed the application, contending that the offence alleged against the applicants is serious. The investigation is in progress and if enlarged on bail, they would tamper with the evidence.

6] Having regard to the facts and circumstances and also the role allegedly played by the applicants/accused, in my considered opinion, they deserve to be admitted to anticipatory bail as their custody is unwarranted. Hence, I pass the following order.

: O R D E R :

(a) In the event of arrest of the applicants in connection with Crime No.0157 of 2021 registered at Kingaon Police Station, Dist. Latur for the offence punishable under Sections 307, 452, 143, 147, 148, 149, 337, 323, 504 and 506 of IPC. the applicants be enlarged on bail on their furnishing PR Bond in the sum of Rs. 20,000/- each, with one or two sureties in the like amount.

[b] The applicants shall attend the concerned police station as and when called and shall cooperate with the police in the investigation.

[c] They shall not tamper with the evidence.

The application stands disposed of accordingly.

8] The learned counsel for the applicants seeks leave to correct the date of the order of the trial court. Leave granted. Amendment be carried out forthwith.

[V.G. BISHT]
JUDGE.

grt/-