

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

ANTICIPATORY BAIL APPLICATION NO.890 OF 2021

1) Balaji s/o Bhanudas Bombade
2) Bandu s/o Govind Chavhan ...Applicants

Versus

The State of Maharashtra ...Respondent

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Advocate for the Applicants : Mr. S. C. Swami
APP for the Respondent – State : Mrs. V. S. Choudhari

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CORAM : V. G. BISHT, J.

DATE : 9th 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.287/2021, registered with Renapur Police Station, Tq. Renapur, District Latur for the offences punishable under Sections 307, 143, 147, 148, 149, 323, 504, 506 of the Indian Penal Code, 1860.

2. It is the case of prosecution that on 04.07.2021 at about 9.30 a.m. the informant saw some persons were preparing to sow in her field and therefore she alongwith her mother went there and found accused Bhagwat Narayan Bombade, Dilip

Bhanudas Bombade, Balaji Bhanudas Bombade (Applicant No.1), Pavan Bombade, Meenabai Bombade and Bandu Chavhan (Applicant No.2) alongwith others. When the informant asked them not to undertake the sowing operations, it is alleged, accused Bhagwat Bombade started abusing and beating her by means of fist and kick blows. Applicant No. 2 also brought 4-5 sticks. When the informant further resisted the sowing operation accused Bhagwat Bombade asked applicant No. 1 to bring kerosene and throw it on the informant so as to kill her. Prosecution further alleges that applicant No.1 then brought a bottle of kerosene and poured on the person of the informant. When the accused Bhagwat Bombade tried to set informant on fire her scarf started burning, however, the informant threw the scarf on the ground. The informant accordingly lodged the report.

3. Mr. S. C. Swami, learned counsel for the applicant, submits that having regard to the nature of allegation against the present applicants there is nothing to be recovered. Moreover, the applicants are ready to co-operate the investigating machinery. In such circumstances, the application deserves to be allowed.

4. Mrs. V. S. Choudhari, learned APP for the Respondent – State, on the other hand, opposed the submissions advanced by the learned counsel for the applicant and submits that the applicants alongwith other accused tried to kill the informant. There being no merit in the application, the same is liable to be rejected.

5. As far as applicant No.1 is concerned, it is alleged that he had poured kerosene on person of the informant and then accused Bhagwat Bombade had set her on fire and eventually the scarf of the informant started burning, however, the informant threw the scarf on the ground. Thus apparently no burn injuries were sustained by the informant.

6. Similarly the allegation against applicant No. 2 is that he had brought 4-5 sticks. No overt act is attributed on his part.

7. Having regard to the above facts and circumstances of the case, in my considered opinion, there is no necessity of custodial interrogation and, therefore, the present application deserves consideration.

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

ORDER

- (i) Application is allowed.
- (ii) In the event of arrest of the applicants - 1) Balaji s/o Bhanudas Bombade, 2) Bandu s/o Govind Chavhan herein in connection with Crime No.287/2021, registered with Renapur Police Station, Tq. Renapur, District Latur for the offences punishable under Sections 307, 143, 147, 148, 149, 323, 504, 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/- (Rupees Twenty Thousand only), each with one or two sureties in the like amount.
- (iii) The applicants shall cooperate the investigation as and when called by the Investigating Officer.
- (iv) Application is accordingly disposed off.

**(V. G. BISHT)
JUDGE**

shp/-