

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

ANTICIPATORY BAIL APPLICATION NO. 925 OF 2021

1. Amol s/o Shriram Kadam,
Age : 27 years, Occu. Pharmacy & Agri,
R/o. Karjani, Tq. & Dist. Beed.
2. Ravindra s/o Kalyan Sapkal,
Age : 30 years, Occu. Agri.,
R/o. Karjani, Tq. & Dist. Beed.

...Applicants

Versus

The State of Maharashtra

...Respondent

.....
Mr. Angad L. Kanade, Advocate for the applicants
Mr. V. S. Badakh, APP for respondent / State
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**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 applicants seeking grant of pre-arrest bail in connection with Crime No. 0171 of 2021, registered with Beed Rural Police Station, District Beed, for the offences punishable under Sections 307, 324, 323, 504, 506 r/w 34 of the Indian Penal Code and u/s 4/25 of the Arms Act.

2. The prosecution case, in short, is that on 04.07.2021, while the informant and his friend Popat Vinayak Kale were proceeding towards Karzani on a motorcycle, the informant heard somebody calling him from his back and, therefore, they stopped the motorcycle and when both of them alighted from the motorcycle, they saw Shubham Baglane armed with Katti, Amol Shriram Kadam (applicant no. 1) armed with stick, Sushant Sapkal armed with sword and Ravindra Kalyan Sapkal (applicant no.2) armed with stick came and told informant that now a days he is very much indulging in politics and that they would kill him. Accused Shubham inflicted a blow of Katti on the head of the informant and caused bleeding injury. Similarly, both the applicants gave blows of sticks on his hands.

3. Mr. Angad L. Kanade, learned Counsel for the applicants, submits that the allegations against the present applicants are that they assaulted the informant by means of sticks on the hands. Even the learned trial Court noted that there were simple injuries and in spite of that the anticipatory bail applications of the applicants came to be rejected wrongly. Besides, the applicants are from the reputed family and they have good status in the society. Because of village politics, they have been falsely implicated.

4. Mr. V. S. Badakh, learned APP, on the other hand, submitted that the applicants are habitual offenders and other offences have also been registered against them. The investigation is in progress and, therefore, the present application needs to be rejected.

5. The allegation against the present applicants is that they assaulted informant on his hands by means of sticks and except this no other role is attributed to them. The learned APP has produced on record the medical certificate of the informant, which shows that the informant had sustained only one injury that too contused lacerated wound (CLW) on left parietal region of head, which was of simple nature. This certificate nowhere shows that the informant had sustained injury on his hands inasmuch as according to the prosecution the informant was assaulted by these applicants as well by means of sticks on his hands. Suffice to say that no injury was caused on the hands of the informant.

6. In view of above, I do not find any necessity of custodial interrogation of the applicants. They have made out a *prima facie* case for consideration. Hence, I am inclined to allow the application and pass following order.

ORDER

- i. The application is allowed.
- ii. In the event of arrest of the applicants in connection with Crime No. 0171 of 2021, registered with Beed Rural Police Station, District Beed, for the offences punishable under Sections 307, 324, 323, 504, 506 r/w 34 of the Indian Penal Code and u/s 4/25 of the Arms Act, the applicants are directed to be enlarged on bail on their furnishing P.R. Bond of Rs.20,000/- [Rs. Twenty thousand] each, with one or two solvent sureties in the like amount.
- iii. The applicants shall attend the concerned police station as and when called and shall cooperate with the police in the investigation.
- iv. The applicants shall not tamper with the prosecution evidence in any manner.

[V. G. BISHT]
JUDGE