

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

ANTICIPATORY BAIL APPLICATION NO. 944 OF 2021

1] Sachin s/o. Mohan Shinde,
Age 30 years, Occ. Labour.

2] Mohan s/o. Gopichand Shinde
Age 65 years, Occ. Labour.

3] Jayaprada d/o.Mohan Shinde,
Age 35 years, Occ. Household,

All R/o. Palshi, Tq. Basmatnagar,
Dist. Hingoli.

... APPLICANTS

VERSUS

The State of Maharashtra.

.. RESPONDENT.

...

Mr. S.P. Katneshwarkar, Advocate for the petitioner,
Mrs. V.S. Chaudhari, APP for respondent.

CORAM : V.G. BISHT, J.

RESERVED ON : 16TH SEPTEMBER, 2021.

PRONOUNCED ON : 21st SEPTEMBER, 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. 0153 of 2021, registered with Police Station, Hatta, Dist.

Hingoli for the offences punishable under Sections 327, 324, 452, 143, 147, 148, 149, 427, 504, 506 of IPC.

2] It is the case of prosecution that on 21.6.2021 at about 7.30 p.m. while the informant was proceeding towards his house, the applicant No.3 alongwith one unknown person came on a motorcycle in high speed and tried to run the same over his person and, therefore, he asked the motor-cycle rider to drive the motorcycle properly. It is alleged that they stopped the motorcycle and that unknown person slapped him. At that time the informant pushed them. It is further alleged that, later on accused Mohan Shinde (applicant No.2), Rekha Pawar, Tai Sachin Shinde 4] Puja Sachin Shinde and that unknown person armed with wooden handle of spade, came running at informant. Applicant No.3 Jayaprada caught hold of informant while above said persons assaulted him by means of stick and wooden handle of spade. The informant's parents intervened. The informant and his family members then closed the door of the house, however, the said persons started hitting the door of the house with stick and an axe. They broke open the door of the house. It is further alleged that Sudarshan Mohan Shinde, Sachin Mohan Shinde (applicant No.1) Vilas Mohan Shinde, Mohan Shinde (applicant No.2) and other accused again assaulted informant by means of stick. When informant's wife tried to intervene, the unknown person snatched the gold chain from her neck and kept it in his pocket. The informant accordingly lodged the report.

3] Mr. Katneshwarkar, learned counsel for applicants, submits that all other accused except the present applicants have been released on anticipatory bail. The alleged injuries sustained by the informant are simple in nature. There is no necessity of custodial interrogation and,

therefore, the application deserves to be allowed, urged learned counsel.

4] Mrs. Chaudhari, learned APP, on the other hand vehemently opposed the submissions and contended that there were three incidents in which the informant and his family members were assaulted by the applicants and other accused. There are eye witnesses which support the contents of FIR. However, learned APP fairly submitted that the nature of injuries sustained by informant was simple. Since the investigation is in progress, the present application deserves to be rejected, argued learned APP.

5] I have carefully gone through the contents of the FIR and as also the investigation papers. It may be that there are eye witnesses to the incident but what is of more concern is that injuries sustained by the informant were simple in nature. This is apparent from the medico-legal injuries Certificate which shows that there was contusion on the occipital area of scalp and interior aspect of knee. The nature of all these injuries was simple and same were caused by hard and blunt object.

6] It is further seen from the investigation papers that the sticks used in the commission of offence are also seized by the investigating officer. Having regard to the above, in my considered opinion, in the present case the custodial interrogation of the applicants is not necessary. I am, therefore, inclined to allow the application. Hence, the following order :-

: O R D E R :

[I] In the event of arrest of the applicants in connection with Crime No.0153 of 2021, registered with Police Station, Hatta, Dist. Hingoli for the offences punishable under Sections 327, 324, 452, 143,

147, 148, 149, 427, 504, 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.

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

[III] They shall not tamper with the evidence.

7] The application stands disposed of in aforesaid terms.

[VG. BISHT]
JUDGE.

grt/-