

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

ANTICIPATORY BAIL APPLICATION NO. 980 OF 2021

Ravi @ Atmaram s/o Narayan Dangal, ... **Applicant**
Age 32 years, Occu: Agri
R/o Bavanepangri, Tq. Badnapur
District Jalna

VERSUS

The State of Maharashtra, .. **Respondent**
Through Chandzira Police Station,
Jalna, District Jalna.

Mr. P. P. More, Advocate for the applicant,
Mrs. V. S. Chaudhari, A.P.P. for the State.

CORAM : V. G. BISHT, J.
DATE : 16th September, 2021

ORDER:

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. 234/2021 registered with Chandanzira Police Station, District Jalna for the offences punishable under Sections 143, 147, 148, 149, 307 of the Indian Penal Code, 1860.

2. It is the case of prosecution that on 13.07.2021, at about 6.00 to 6.30 p.m, while the informant was sitting in his Grocery Shop, accused Babasaheb Chavan came alongwith JCB Machine and was committing encroachment under the garb of cleaning the land from the eastern side of shop of the informant. When the informant objected the act, the said accused started abusing. Meantime, the applicant and

accused Balu @ Vijay Shivaji Dungal also came there and started shoving the informant. They also claimed that the land belongs to them. When the informant's mother intervened, she was also jostled. The other accused also joined them. It is further alleged that while accused Balu @ Vijay Dungal threw chili powder in the eyes of the informant and applicant gave a blow of axe from its sharper side on his head and caused injury. Other accused also assaulted the informant.

3. Mr. P. P. More, learned counsel for the applicant, submits that an axe which was allegedly used by the applicant is already seized during the course of investigation. Moreover, there is specific allegation that the applicant had assaulted on the head of the informant by means of sharper side of axe, however, the medical evidence does not support the prosecution case. In the circumstance, there being no necessity of custodial interrogation, the application deserves to be allowed, argued learned counsel.

4. Mrs. V. S. Chaudhari, learned A.P.P., on the other hand, although submitted that investigation is in progress but fairly conceded that the injury sustained by the informant on his forehead, as per medical opinion, was caused by hard and blunt weapon.

5. I have carefully gone through contents of the first information report. Specific allegation is made against the applicant that he used sharper side of axe while assaulting on the head of the informant.

However, the injury certificate produced on record clearly shows that though the informant had sustained contused lacerated wound on right forehead, the same was caused by means of had and blunt weapon resulting in grievous injury. There is also no dispute to the fact that alleged axe has been seized during the course of investigation. This being emerging position, I do not find utility of custodial interrogation of the applicant in the alleged offence.

6. For the aforesaid reason, I am inclined to allow the application. Hence, following order.

O R D E R

- i. In the event of arrest of the applicant in connection with Crime No. 234/2021 registered with Chandanzira Police Station, District Jalna for the offences punishable under Sections 143, 147, 148, 149, 307 of the Indian Penal Code, 1860, the applicant is directed to be enlarged on bail on his furnishing P.R. Bond of Rs.20,000/- [Rs. Twenty thousand only], with one or two solvent sureties in the like amount.
 - ii. The applicant shall attend concerned police station as and when called and shall cooperate with the police in the investigation.
 - iii. The applicant shall not tamper with prosecution evidence in any manner.
7. Application stands disposed of in the aforesaid terms.

(V. G. BISHT, J.)

JPC