

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

ANTICIPATORY BAIL APPLICATION NO. 985 OF 2021

Vijaykumar s/o Sudhakar Thite,
Age : 32 years, Occu. Agril.,
R/o. Dagad Dhanora, Tq. Omerga,
Dist. Osmanabad.

...Applicant

Versus

The State of Maharashtra

...Respondent

AND

ANTICIPATORY BAIL APPLICATION NO. 986 OF 2021

Nitin S/o Digamber Thite,
Age : 30 years, Occu. Agril.,
R/o. Dagad Dhanora, Tq. Omerga,
Dist. Osmanabad.

...Applicant

Versus

The State of Maharashtra

...Respondent

.....

In both matters :

Mr. Santosh N. Patne, Advocate for the applicant
Mrs. Vaishali S. Choudhari, APP for respondent / State

.....

**CORAM : V. G. BISHT, J.
DATED : 07th September, 2021**

PER COURT : -

1. These are applications 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. 0457 of 2021, registered

with Omerga Police Station, District Osmanabad, for the offences punishable under Sections 307, 143, 147, 148, 149, 504, 506 r/w 34 of the Indian Penal Code.

2. It is the case of prosecution that on 30.07.2021, the informant along with Tukaram Kundalik Wadarage was proceeding on a motorcycle towards Malgiwadi from Omerga. When they reached the Chichkot road near Ashta Jahagir village, a Jeep of Mahindra Company came from opposite side i.e. Dagaddhanora and the driver of the said Jeep tried to run over Jeep on the person of the informant and in order to save himself, the informant took the motorcycle to the side of the road, as a result of which, he fell down. However, the said Jeep gave a dash to the right hand of the informant and caused injuries. It is further alleged that the driver of the said Jeep, namely, Nitin Digamber Thite (applicant) alighted from the Jeep and asked the informant as to why he had made a complaint in respect of loan provided by Dagaddhanora Society to him and Vijay Thite (applicant) before M.P. and M.L.A. The said applicant also threatened that if the question of loan is raised, he will kill him. The informant, accordingly, lodged the report with the police.

3. Mr. Santosh N. Patne, learned Counsel for the applicants, submits that the applicants have been falsely implicated. The

ingredients of Section 307 of the Indian Penal Code are not at all attracted. Moreover, the investigation in the matter is already completed and in such circumstances, the applications deserve to be allowed.

4. Mrs. Vaishali S. Choudhari, learned APP, on the other hand, opposed the submissions by contending that the investigation is still going on and in such circumstances, the present applications need not be considered.

5. A careful reading of the FIR would show that the present applicant Nitin allegedly tried to run the Jeep over the person of informant as the informant had allegedly raised the question of loan granted by Dagaddhanora Society in favour of the applicant before M.L.A. and M.P. However, no serious injury was sustained by the informant. Even during the course of arguments when the nature of injury was confronted, the learned APP fairly submitted that the informant had sustained simple injury.

6. In view of above and the fact that nothing is to be recovered from the possession of the applicants, in my considered opinion, the present applications deserve consideration.

7. In view of above, I pass following order.

ORDER

- i. In the event of arrest of the applicants, namely, Vijaykumar Sudhakar Thite and Nitin Digamber Thite, in connection with Crime No. 0457 of 2021, registered with Omerga Police Station, District Osmanabad, for the offences punishable under Sections 307, 143, 147, 148, 149, 504, 506 r/w 34 of the Indian Penal Code, 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.
 - ii. The applicants shall attend the concerned police station as and when called and shall cooperate with the police in the investigation.
 - iii. The applicants shall not tamper with the prosecution evidence in any manner.
8. The Anticipatory Bail Applications stand disposed of in aforesaid terms.

[V. G. BISHT]
JUDGE