

Tofik Salavdin Bagwan ... **Applicant**
Age 33 years, Occu: Business,
R/o Main Road, Georai,
Tq. Georai, District Beed

The State of Maharashtra, ... Respondent
Through Police Inspector,
Georai Police Station, Georai,
District Beed

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

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.308/2021 registered with Georai Police Station, Tq. Georai, District Beed for the offences punishable under Sections 307, 323, 324, 452, 504, 506, 34 of the Indian Penal Code, 1860.

Page 1 of 3

her house and started shouting as to where her grandson Mauli @ Suraj is. Accused Juned Janmohammad Bagwan then gave a blow of sickle on her head. Informant's son namely Anand Bapte was also assaulted by means of wooden log on his left hand by the applicant whereas accused Juned Janmohammad gave kick and fist blows to her granddaughter Pradnya. The informant accordingly lodged the report.

3. Mr. Sudidh S. Kulkarni, learned counsel for the applicant, submits that so far as role attributed to the applicant is that he allegedly assaulted the son of the informant with wooden stick, in such circumstance, ingredients of section 307 are not attracted. In the circumstance, there is no necessity of custodial interrogation and therefore, the present application deserves consideration.

4. Mr. N. T. Bhagat, learned A.P.P., on the other hand, opposed the submissions by contending that investigation is in progress and having regard to the nature of allegation against the applicant, the application shall not be considered. Learned A.P.P. has also produced before me the investigation papers for perusal. Perused.

5. As far as the present applicant is concerned, the only allegation is that he assaulted the son of the informant on his left hand by means of wooden log. Medico Legal Certificate of the son of the informant namely Anand Dashrathrao Bapte issued by the Medical Officer, Sub District Hospital, Georai, District Beed is perused. It shows that son of the informant had sustained contused abrasion over left

arm, caused by means of hard and rough weapon and the nature of injury was simple.

6. Having regard to the allegation and as also in the light of medico legal certificate, I do not see necessity of custodial interrogation. In the circumstance, I am inclined to allow the application. Hence, the following order.

O R D E R

- i. In the event of arrest of the applicant in connection with Crime No.308/2021 registered with Georai Police Station, Tq. Georai, District Beed for the offences punishable under Sections 307, 323, 324, 452, 504, 506, 34 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