

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

ANTICIPATORY BAIL APPLICATION NO. 1093 OF 2021

1. AMBADAS TULSHIRAM KALE
2. KALYAN S/O. PANDURANG KALE
3. BHAUSAHEB S/O. PANDURANG KALE
4. PANDIT S/O. TULSHIRAM KALE

VERSUS

THE STATE OF MAHARASHTRA

Advocate for Applicants : Mr. S.J. Salunke.

APP for Respondent : Mr. N.T. Bhagat.

Advocate for Assist to APP : Mr. P.A. Bharat.

CORAM : PRAKASH D. NAIK, J.

DATE : 07.10.2021.

Per Court :

1. The applicants are seeking pre-arrest bail in Crime No. 183/2021, registered with Talwada Police Station, District Beed, for the offences punishable under Section 307, 326, 324, 323, 143, 147, 148, 149, 504, 506 of the Indian Penal Code.

2. The First Information report was lodged by Siddheshwar Bhausaheb Kale. According to him on 08.08.2021, while he was at his home along with her brother, applicant No. 1 visited his house under the influence of liquor and abused complainant and his brother. He left the premises. On 09.08.2021, the

complainant questioned the applicant No. 1 about his behaviour of the previous day. The applicant No. 1 left the place and at about 1:30 pm, he approached the complainant along with applicants No. 2, 3 and 4 and Ravikumar @ Ganesh Ambadas Kale. They were armed with axe, iron rod and sticks. Applicant No. 1 questioned the complainant about his previous conduct and with an intention to kill him gave a blow by axe on his head. Applicant No. 2 had assaulted him with iron rod causing minor injury. Applicants No. 3 and 4 assaulted him by stick. Ravikumar @ Ganesh Ambadas Kale was arrested during the course of investigation.

3. Learned counsel for the applicants submitted that on account of political rivalry, the applicants are falsely implicated in this case. The injuries are not of serious nature. Applicant No. 1 is an aged person and he was Ex-Surpanch of the village. Section 307 of the IPC is not attracted in this case. The injuries sustained by the complainant were of simple nature. The applicants had tried to lodge complaint against the informant which were not taken note by police. Custodial interrogation of the applicants is not necessary.

4. Learned APP submitted that specific role has been attributed to all the applicants. The complainant had sustained injuries which supports his version. The accused - applicants were armed with weapons.

5. Learned Advocate for the complainant adopted the submissions of learned APP. He submitted that the accused - applicants have participated in the offence.

6. Since the Court was not inclined to grant relief to applicant No. 1, learned Advocate for the applicants, on instructions, sought permission to withdraw the application qua applicant No. 1.

7. I have perused the first information report and the other documents. The role attributed to applicant No. 2 is that he assaulted the complainant on his waist with iron rod. The assault did not result into any injury. Applicants No. 3 and 4 had allegedly assaulted him with stick. The complainant has sustained injury, which can be attributed to the role assigned to applicant No. 1. The applicants No. 2, 3 and 4 can be granted relief under Section 438 of the Code of Criminal Procedure.

ORDER

- i. Anticipatory Bail Application No. 1093 of 2021 is partly allowed.
- ii. Application of applicant No. 1 is allowed to be withdrawn.
- iii. In the event of arrest of the applicants No. 2, 3 and 4 in Crime No. 183/2021, registered with Talwada Police Station, District Beed, they shall be released on bail on executing P.R. bond in the sum of Rs. 25,000/- (Rupees twenty five thousand) each with one or more sureties in the like amount.
- iv. The applicants No. 2, 3 and 4 shall report the Investigation Officer on 20.10.2021, 21.10.2021 and 22.10.2021 between 11:00 am and 01:00 pm, and thereafter, as and when called for till filing of the charge-sheet.
- v. The applicants shall not tamper with the evidence.
- vi. Application stands disposed of.

(PRAKASH D. NAIK, J.)