

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD
ANTICIPATORY BAIL APPLICATION NO.1097 OF 2021

SANDIP BABAN WALEKAR
VERSUS
THE STATE OF MAHARASHTRA

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Advocate for Applicants : Mr. Gandle Mahendra Panditrao
APP for Respondents: Mr. A.V. Deshmukh.

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CORAM : PRAKASH D. NAIK J.
DATE : 11TH OCTOBER, 2021.

PER COURT:

1] This is an application under Section 438 of Cr.P.C. preferred by the applicant seeking grant of pre-arrest bail in connection with Crime No. 169 of 2021, registered with Police Station, Chaklamba, Dist. Beed for the offences punishable under Sections 307, 323, 504, 506, 34 of IPC.

2] The FIR was registered on 20th July, 2021. The case of the complainant is that on 16.7.2021, when he had visited the agricultural field, the applicant and others were present in his field. They questioned the complainant as to whether he had driven tractor from their agricultural land. The accused abused him. The applicant and Kushivarta Sathe were armed with Lathi and they assaulted the complainant with Lathi, kicks and blows. Haribhau assaulted the complainant with an axe on his head and Babasaheb Sathe assaulted with an iron rod.

3] Cross case has been registered by one of the accused in present FIR vide crime No. 167 of 2021 on 18.7.2021 for the offence punishable under Sections 324, 323, 504, 506, 34 of IPC and under Sections 3(1)(r), 3(1)(s) and 3(2)(va) of SC and ST (Prevention of Atrocities Act, 1989.

4] The APP has brought to my notice the Injury Certificate of Sopan Kishan Sherkar. It is shown therein that he has sustained CLW over temporal region, injury caused by an axe and blunt trauma over shoulder.

5] The applicant was allegedly armed with a stick.

6] There appears to be a dispute between the parties over land. In the light of the role attributed to the applicant, his custodial interrogation is not necessary. Hence, the following order :-

: O R D E R :

[I] In the event of arrest of the applicant in connection with Crime No. 169 of 2021, registered with Police Station , for the offences punishable under Sections 307, 323, 504, 506, 34 of IPC, the applicant be enlarged on bail on his furnishing PR Bond in the sum of Rs. 25,000/-, with one or two sureties in the like amount.

[II] The applicant shall appear before the I.O. on 20th, 21st, 22nd October, 2021 between 11.00 a.m. and 2.00 p.m. and thereafter as and when called till filing of charge sheet.

[III] He shall not tamper with the evidence.

7] The application stands disposed of in aforesaid terms.

[PRAKASH D. NAIK]
JUDGE.

grt/-