

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

932 ANTICIPATORY BAIL APPLICATION NO.1123 OF 2021

Prem @ Ganesh Pralhad Chatre
Age : 21 years, o cc : education
R/o Near Bhatwal Theatre,
Vishnu Nagar, Deopur, Dhule.

Applicant.

Versus

The State of Maharashtra.

Respondent.

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Mr. P.C.Mayure, Advocate for the applicant.
Mr. S.B.Narwade, A.P.P. for respondent - State.

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CORAM : **PRAKASH D. NAIK, J.**

DATE : 12-10-2021

ORDER :

1. The applicant is seeking anticipatory bail in CR No. 127/2021 registered with Deopur Police Station, District Dhule for the offences punishable under Sections 307, 449, 143, 147, 148, 149, 427, 323, 504 and 506 of the Indian Penal Code.

2. The case of the prosecution is that, on 12th July 2021, while the accused Sahil Chitte was passing across the informant, he dashed at him and therefore, the informant questioned him about it. There was exchange of words between them. About 10 to 15 persons came there, armed with weapons and assaulted the informant. The brother of the informant was assaulted by sword on his head and another brother Ajay was assaulted on the finger of the left hand by sickle. The First Information Report (for short, "F.I.R.")

mentions that unknown persons had assaulted by fist and kick blows.

3. The learned Counsel for the applicant submitted that the applicant had not been named in F.I.R. Those who are named are attributed specific overt act. They had allegedly assaulted with weapons like iron rod, sickle, sticks and stone. He further submitted that at the most the applicant could be held to be a person who was not named and attributed role of assault by fist / kick blows. The co-accused Deepak @ Lalla Lakhan Chitte has been granted anticipatory bail by this Court vide order dated 16th September 2021.

4. The learned A.P.P. submitted that although the applicant has not been named in the F.I.R., the informant has shown involvement of the applicant in the supplementary statement. The other eye witnesses have named the applicant. Witness Ajay Barve has stated that the applicant was armed with iron rod. Ajay Barve has sustained injury in the nature of CLW to left hand. He further submitted that Bablu Barve has also shown involvement of the applicant in the assault. He has sustained head injury by sharp object (sword).

5. From the F.I.R. it can be seen that most of the accused are named and the overt act was attributed to them. The weapons in their possession were also described. The applicant has not been named in the F.I.R. Those who are not named, are referred to as relatives of the accused named therein and the role attributed to them is of fist / kick blows. It appears that supplementary statement

of the informant was recorded wherein the applicant has been named. It is not clear as to how he missed name of the applicant while lodging the F.I.R. The prosecution is relying upon statements of other witnesses, who have stated that the applicant was armed with iron rod and participated in assault. The statements are contrary to the version of the informant in the F.I.R. It is also pertinent to note that the co-accused Deepak @ Lalla Chitte has been granted anticipatory bail by this Court. He was not named in the F.I.R. However, on perusal of the investigation papers, it is apparent that the other witnesses have named him.

6. Considering the factual aspect as above, the applicant need not be subjected to custodial interrogation. Hence, the following order.

ORDER

- (i) ABA No. 1123 of 2021 is allowed.
- (ii) In the event of arrest of the applicant in CR No. 127/2021 registered with Deopur Police Station, District Dhule, the applicant be released on bail on executing P.R. Bond in the sum of Rs. 25,000/- with one or more sureties in the like amount.
- (iii) The applicant shall appear before the Investigating Officer on 20-10-2021, 21-10-2021 and 22-10-2021 between 11.00 a.m. and 1.00 p.m. and thereafter as and when called for, till filing of the charge-sheet.

7. The application stands disposed of.

(PRAKASH D. NAIK, J.)

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