

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

915 ANTICIPATORY BAIL APPLICATION NO.1359 OF 2021

1. Yogesh Pandharinath Misal
2. Bandu @ Manohar Atmaram Misal
3. Sonaji @ Babasaheb Kakasaheb Misal
4. Ajay Raju Walke
5. Vijay Raju Walke

All r/o Ashok Chowk, Chandanzira,
Jalna.

Applicants.

Versus

The State of Maharashtra

Respondent.

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Mr. N.D. Sonawane, Advocates for the applicants.
Mr.A.V. Deshmukh, A.P.P. for respondent – State.

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

DATE : 18-11-2021

ORDER :

1. The applicants are seeking anticipatory bail in connection with Crime No. 156/2021 registered with Hasnanabad Police Station, Taluka Bhokardan, District Jalna for the offences punishable under Sections 307, 143, 147, 148, 149, 427, 324, 504 of the Indian Penal Code and under Section 135 of the Maharashtra Police Act.

2. Since the Court had indicated disinclination to grant relief to applicant Nos.1 and 2, learned Counsel for the applicants,

on instructions, submits that he would not press the application of applicant Nos. 1 and 2 and the same may be permitted to be withdrawn.

3. Complaint was lodged by Narayan Misal alleging that on 11.10.2021 he was in field Gut No. 58/59. Accused were taking tractor from his field and caused damage to the crops. Complainant questioned the accused about their conduct. Applicant Nos. 1 and 2 had conversation that they should drive the tractor on the person of the complainant. Applicant No. 1 pushed the complainant under the tire of tractor and he was dragged to certain extent, causing injuries. Applicant Nos.3, 4 and 5 had assaulted the complainant, his brother and father.

4. Learned Counsel for the applicants submitted that the dispute is relating to property. The applicants are not habitual offenders. Minor role is attributed to applicant Nos. 3, 4 and 5. Their custodial interrogation is not necessary.

5. Learned A.P.P. submitted that there are corresponding injuries to complainant Narayan Misal and his brother Bhanudas Misal. The version of the complainant that he was dragged by tractor is fortified by the injuries sustained by him. Complainant had sustained three injuries in the nature of abrasion, blunt trauma on chest and toes, whereas Bhanudas had sustained swelling over head and contusion. The injuries are of simple nature.

6. Prime role was attributed to the applicant Nos. 1 and 2. Since the Court was not inclined to grant relief to them, the application on behalf of applicant Nos.1 and 2 is sought to be withdrawn. However, considering the role attributed to applicant Nos.3, 4 and 5, the relief under Section 438 of the Code of Criminal Procedure can be granted to them. Hence, I pass the following order.

ORDER

- (i) Application at the instance of applicant Nos.1 and 2 is allowed to be withdrawn.
- (ii) Application of applicant Nos.3, 4 and 5 is allowed.
- (iii) In the event of arrest of applicant Nos.3, 4 and 5 in Crime No.156/2021 registered with Hasnabad Police Station, Taluka Bhokardan, District Jalna, applicant Nos.3, 4 and 5 be released on bail on executing P.R. bond in the sum of Rs. 20,000/- each with one or more sureties in the like amount.
- (iv) Applicant Nos.3, 4 and 5 shall report the Investigating Officer on 24.11.2021, 25.11.2021 and 26.11.2021 between 11.00 a.m. and 1.00 p.m. and as and when called for, till filing of the charge-sheet.
- (v) The application stands disposed of.

(PRAKASH D. NAIK, J.)