

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

**919 ANTICIPATORY BAIL APPLICATION NO.1181 OF 2021
WITH APPLN/2818/2021 IN ABA/1181/2021**

- 1) Bappasaheb s/o Nana Khedkar,
 - 2) Vinod s/o Navnath Khedkar,
 - 3) Dilip s/o Raosaheb Khedkar
- ...Applicants.**

VERSUS

The State of Maharashtra

...Respondent.

...

Mr. Yogesh B.Bolkar, holding for Mr. Vinayak D.Rakh, Counsel for the applicants

Mr. A.S.Shinde, APP for the respondent-State

Mr. Abhijeet PAvhad, Advocate for complainant (assist to APP)

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CORAM : PRAKASH D. NAIK, J.

DATE : 14th DECEMBER, 2021

PER COURT:

1] The applicants are apprehending arrest in connection with C.R. No.627/2021 registered with Pathardi Police Station, District Ahmednagar for the offences punishable under Sections 307, 341, 323, 504, 506 of the Indian Penal Code . The first information report was registered on 18.08.2021.

2] Case of the complainant is that he was assaulted by applicant no.2 with fist blow on head. Other accused assaulted by kicks. Applicant No.3 sat on his person and administered poison. The complainant was taken to hospital.

3] Learned counsel for the applicants submits that the offence has been registered on account of political rivalry. The applicants are

engaged in social work and had undertaken various development work. The companion of informant is having criminal background and committed various offences with complainant. The companion Devidas had committed illegalities and misappropriation of amount in the village. Applicant No.1 and the villagers lodged various complaints against the informant and his associate Devidas Khedkar about those illegal activities. On 16.08.2021, the villagers of Eknathwadi village forwarded complaint to the Police Inspector, Pathardi Police Station stating that the informant and his companion had planted the hemp in the field. The informant and his companion are involved in lodging false complaints. The villagers had also alleged that the Shahadeo Khedkar is habitual offender and now he is on parole. The present FIR has been registered out of vendetta. On 21.08.2021, the villagers had approached the police station and pointed out that no such incident had occurred. The applicants are not involved in administering the poison to the complainant.

4] Learned APP submitted that the statements of the witnesses are recorded. The relatives of the informant had supported the case of the prosecution. Statement of one of the eye-witness is recorded. The complainant was threatened in hospital. The medical case papers of the hospital are part of investigation papers.

5] Learned counsel for the complainant submitted that specific role has been attributed to the applicants in the FIR. After granting interim protection to the applicants by the Sessions Court, the accused are involved in pressurizing the complainant and the witnesses. Messages were posted on the Whats-App status in the nature of threats by the relatives of the accused. The learned Sessions Judge while rejecting the anticipatory bail given reasons.

6] I have perused the investigation papers. The medical case papers of the private hospital viz.: Vikhe Patil Memorial Hospital indicates that the complainant has taken treatment. He has given history of consumption of insecticide. He is stable and waiting for discharge. It appears that he has been discharged on the same day. It is pertinent to note that the statement of the independent person was recorded on 24.08.2021, which is prior to grant of interim protection by the Sessions Court. The said witness has not supported the allegation that the accused were involved in administering poison to the victim. He has referred the quarrel between the sides. The Whats-App status as alleged by the complainant is posted by some other persons, which according to the complainant is the relatives of applicants. Assertion is based on inferences. There is no direct involvement of applicants in pressurizing the witnesses. The independent witness has not supported

the case of the complainant with regards to administering poison. In these circumstances, protection under Section 438 of Cr.P.C. can be granted to the applicants.

ORDER

- (i) Anticipatory Bail Application No.1181 of 2021 is allowed.
- (ii) Interim order dated 07.10.2021 is confirmed.
- (iii) In the event of arrest of applicants in connection with Crime No.627 of 2021 registered Pathardi with Police Station, Dist.Ahmednagar, the applicants be released on bail on executing P.R.Bond in the sum of Rs.20,000/- each, with one or two sureties in the like amount.
- (iv) Applicants shall report Investigating Officer on 20th, 21st and 22nd December 2021 at 11.00 am to 01.00 pm and thereafter, as and when called for, till filing of charge-sheet.
- (v) Applicants shall not threaten the witnesses.
- (vi) Applicants shall not tamper with the evidence in any manner.
- (vii) Application stands disposed of.
- (viii) Criminal Application No.2818 of 2021 is also disposed of.

(PRAKASH D. NAIK, J.)