

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

909 ANTICIPATORY BAIL APPLICATION NO.1497 OF 2021

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|----|---------------------------------|-----|-------------------|
| 1. | Bharat s/o Vyankati Shinde | ... | Applicants |
| 2. | Balu @ Kondiba Manik Shinde | | |
| 3. | Bhagwa s/o Manik Shinde | | |
| 4. | Manik s/o Rambhau Shinde | | |
| 5. | Pandurang s/o Balasaheb Bochara | | |
| 6. | Yogesh s/o Rohidas Bochara | | |

VERSUS

The State of Maharashtra, Through Police Inspector, Sailu, District Parbhani	...	Respondent
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Mr. Sudarshan J. Salunke Advocate for the applicant,
Mr. A. V. Deshmukh, A.P.P. for the State.

CORAM	: PRAKASH D. NAIK, J.
DATE	: 21st December, 2021

ORDER:

1. The applicants are apprehending arrest in connection with Crime No.341/2021 registered with Sailu Police Station, District Parbhani for the offences punishable under Sections 326, 452, 143, 147, 323, 504, 506, 149 of the Indian Penal Code (for short "IPC"). The First Information Report (for short "FIR") was registered by Ashok Ravan Shinde on 21.11.2021.

2. It is alleged that Gram Panchayat elections were conducted in the village of the complainant. Wife of Balu Shinde had contested the election. She lost the election. Applicants and their family members had a feeling that complainant did not vote for them and hence their candidate had lost the election. The complainant was threatened. On 09.11.2021 at about 6.30 p.m. Bharat Shinde, Vyankati Shinde, Balu Shinde, Bhagwant Shinde, Manik Shinde, Pandurang Bochara, Dipak Bochara, Yogesh Bochara, Sachin Bochara, Balasaheb Bochara visited the house of the complainant. They were armed with Axe, iron rod, sitkcs. Balasaheb questioned the complaint for his not voting to their candidate in the election and blamed him for defeat of the candidate. He was abused. Dipak Bochara, Suraj Bochara, Rohidas Bochara, Sachin Bochara, Balasaheb Bochara Bochara started assaulting the complainant first blows. Vyankati Shinde and Anant Shinde assaulted him with stick. Bhagwat Shinde and Yogesh Bochara assaulted on knee, Manik Shinde had assaulted on toe. Pandurang Bochara had assaulted on thigh and Balu Shinde had assaulted with iron road on hand. Bharat Shinde had assaulted with handle of axe on the head. The complainant sustained injuries. He was unconscious.

3. First information has been registered against the complainant and others vide Crime No.331/2021 for the offences under section 326, 324, 323, 143, 147, 148, 149, 504, 506 IPC. Accused in the said FIR

were Vinayak Shinde, Babasaheb Shinde, Ashok Shinde, Dilip Shinde, Karan Shinde and Santosh Shinde.

4. Learned APP submitted that all the accused have been named in the FIR. Overt act has been attributed to them. There are corresponding injuries suffered by the injured witness.

5. Applicant Nos. 1 and 5 are arrested during the pendency of the application and hence their application has become infructuous.

6. Applicant No.2 had assaulted on hand by iron rod. Applicant No. 3 and 6 were allegedly assaulted on knee of the injured by stick. Applicant No.4 allegedly assaulted by stick. Head injury is attributed to applicant No.1 who has been arrested. Applicant No.4 is a senior citizen aged about 70 years. Nature of injuries suffered by complainant are simple. There are no criminal antecedents against the applicants. Hence the application can be allowed.

ORDER

i. Anticipatory Bail application of Applicant Nos. 1 and 5 is disposed of as infructuous.

- ii. Anticipatory Bail Application of Applicant Nos. 2, 3 4 and 6 is allowed.
 - iii. In the event of arrest of the applicant Nos. 2, 3, 4 and 6 in Crime No.341/2021 registered with Sailu Police Station, District Parbhani, they be released on bail on executing PR bond in the sum of Rs. 25,000/- each with one or more sureties in the like amount;
 - iv. The applicant Nos. 2, 3,4 and 6 shall report the investigating officer on 28th 29th and 30th December, 2021 between 11.00 a.m. to 1.00 noon and thereafter as and when called for till filing of the charge sheet.
7. Anticipatory Bail Application stands disposed of accordingly.

(PRAKASH D. NAIK, J.)

JPC