

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

ANTICIPATORY BAIL APPLICATION NO.98 OF 2022

Santosh S/o Vaijinath Thorat

...APPLICANT

VERSUS

The State of Maharashtra

...RESPONDENT

...
Mr. Angad L. Kanade Advocate for Applicant.
Mr. A.M. Phule, A.P.P. for Respondent-State.
...

CORAM: SMT. VIBHA KANKANWADI, J.

DATE : 11th FEBRUARY, 2022

ORDER :

1. Applicant is apprehending his arrest in connection with Crime No.242 of 2021 registered with Beed City Police Station, Taluka and District-Beed for the offence punishable under Sections 143, 147, 149, 332, 353, 333, 504, 506 of the Indian Penal Code.

2. Heard learned Advocate for the applicant and learned APP for the respondent – State.

3. It has been vehemently submitted on behalf of the applicant that the applicant has been falsely implicated by the informant and in fact the applicant, who is a labour, has nothing to do with the person who was admitted in the hospital. There was no occasion for the applicant to plead for that patient. Though the applicant is doing some social work, he could not have indulged in such activity in fact when during the pandemic situation he played the role of volunteer in the Civil Hospital, Beed. Physical custody of the applicant is not warranted. He is ready to abide by the terms of the bail.

4. Per contra, the learned APP strongly opposed the application and submitted that though the applicant may not be directly connected to the patient whose admission was sought, but he has unnecessarily involved himself and assaulted the informant, who was a public servant serving as brother in the Civil Hospital, who was also doing good work for the hospital in the pandemic situation. The statements of the witnesses have been recorded, which shows that present applicant has abused brother Sukale i.e. informant and by taking him to the open space in front of ward, informant was assaulted by the kicks and fists blows. The act of the applicant is captured in the CCTV and that CCTV footage has been collected. So there is sufficient

evidence against the present applicant and therefore, he does not deserve any sympathy.

5. At the outset it is to be noted that informant is serving as a brother with the Civil Hospital, Beed. He states that he was on duty on 25th December 2021 when a patient by name Israel Sayyed was to be admitted. Along with that patient one Dnyaneshwar Shinde had also come to the hospital. Informant showed the bed and asked Dnyaneshwar as to where are the papers of the patient. Thereafter Dnyaneshwar started behaving arrogantly with the informant by saying that why he should require the papers and they were not ready to admit Israel Sayyed. Israel told the informant that he would give a phone call to Santosh Thorat i.e. present applicant and then after talking to applicant on mobile phone, Israel gave phone to the informant to talk. The applicant asked the informant as to what is the problem. Informant told him that saline is required to be applied to Israel but Dnyaneshwar is objecting and thereafter the applicant unnecessarily started abusing the informant in filthy language. He threatened the informant by saying that he will see how informant will perform his duty. Thereafter Dnyaneshwar and Israel, by catching hold of the collar of the informant, dragged him to the place in front of casualty ward. In the

meantime the applicant arrived there along with 5 to 6 persons and then they assaulted the informant. He was rescued by Dr. Katte who was on duty and other staff members. The informant has sustained fracture to his right shoulder and both the foot. He has then lodged the report.

6. The investigation appears to be almost over, in a sense that nothing is required to be recovered at the instance of the applicant, as it is alleged that he had assaulted the informant with kicks and fists blows. Statements of the witnesses have been recorded who have stated that the present applicant had assaulted the informant, so also other accused persons have also assaulted the informant. It is also stated that CCTV footage has been collected. The injury certificate of the informant shows three injuries, one is simple and two are grievous and they are in the nature of fracture to left dorsum of ankle and right shoulder. With this evidence, it can be seen that the applicant's physical custody is not required. He has a permanent place of abode. It would take long time for the trial to stand even if the charge-sheet is filed within near future. This Court had granted interim protection to the applicant by order dated 25th January 2022 and the same deserves to be confirmed. Hence the following order:-

ORDER

- i) Application stands allowed.
- ii) The interim protection granted to the applicant by this court vide order dated 25th January 2022 stands confirmed. It is clarified that in the event of arrest of the applicant – Santosh S/o Vaijinath Thorat in connection with Crime No.242 of 2021 registered with Beed City Police Station, Taluka and District-Beed for the offence punishable under Sections 143, 147, 149, 332, 353, 333, 504, 506 of the Indian Penal Code, he be released on bail on PR Bond of Rs.30,000/- (Rupees Thirty Thousand) with two solvent sureties of Rs.15,000/- (Rupees Fifteen Thousand) each.
- iii) Applicant shall remain present before the Investigating Officer as and when called and co-operate with the investigation.
- iv) Applicant shall not tamper with the evidence of the prosecution in any manner.
- v) Applicant shall not indulge in any criminal activity.

[SMT. VIBHA KANKANWADI , J.]