

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

**ANTICIPATORY BAIL APPLICATION NO.158 OF 2022**

1. Bhausahab Chartubhuj @ Chantrabhuj Murumkar
2. Hanumant s/o Vishnu Adsul
3. Popat s/o Bapurao Arasul @ Adsul ... Applicants

Versus

The State of Maharashtra ... Respondent

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Mr. R. R. Karpe, Advocate for the applicants.

Mr. B. V. Virdhe, APP for the respondent – State.

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**CORAM : SMT. VIBHA KANKANWADI, J.**

**DATE : 21.02.2022**

**ORDER :-**

. The applicants are apprehending their arrest in connection with Crime No.541 of 2021 registered with Jamkhed Police Station, Dist. Ahmednagar for the offences punishable under Sections 307, 143, 147, 148, 149, 323, 504, 506 of Indian Penal Code and under Section 4/25 of the Arms Act.

2. Heard learned Advocate Mr. R. R. Karpe for the applicants and learned APP Mr. B. V. Virdhe for the respondent - State. In order to cut short, it can be said that both of them have made submissions in support of their respective contentions.

3. Perusal of the FIR lodged by one Pandurang Nagnath Adsul would show that he has named the present applicants and stated that applicant Nos.2 and 3 are his neighbors. So also, their agricultural lands are adjacent to each other. Applicant – Bhausahab is also resident of the same village. There was dispute about 6 months prior to the incident on the count of common water tap and the mother of the informant had lodged report in respect of that incident. One Hanumant Adsul has also filed FIR and, therefore, Chapter case was lodged against the informant. It was the ground on which the accused persons were stated to have grudge against the informant. Informant had gone to attend the marriage at Patoda at about 6.00 p.m. on 24.12.2021. After attending the marriage, he was returning back along with his friend on motorcycle. Near Grampanchayat office, the informant got down from vehicle and went for answering nature's call and then heard his friend Mahesh shouting. When he saw towards Mahesh, he found 5 accused persons. It is stated that Jagannath assaulted Mahesh by sword, Dnyaneshwar by scythe/sickle, Bhausahab used sword, Ganesh Adsul assaulted by axe and Balasaheb used scythe. They had brutal assaults on Mahesh. Mahesh sustained bleeding injuries and fell down. When informant went to rescue, at that time, Jagannath Adsul had assaulted him by sword on his left side of the back. He, therefore, went at a

distance in order to save himself. It is then stated that Hanumant Vishnu Adsul and Popate Adsul i.e. present applicant Nos.2 and 3 came with wooden sticks and assaulted Mahesh. He has stated that after all the persons left, he went near Mahesh. So also, he says that one Ashok Warat and Vitthal Warat was with him at that time. He found that Mahesh was become unconscious and having bleeding injuries. Vitthal Warat called Ambulance and Mahesh was taken to Jamkhed Police Station. He was then referred to Government Hospital and then shifted to Rameshwar Hospital, Jamkhed. Informant then lodged report.

4. It is to be noted that as against applicant No.1 is concerned, there is allegation about use of sword and, therefore, after the disinclination was shown by this Court to grant any relief to applicant No.1, his application has been withdrawn by the learned Advocate for the applicants under the instructions of his client.

5. The application, therefore, remained in respect of applicant Nos.2 and 3 only. It was stated that they had used sticks in causing injury to Mahesh. If we consider the statement of Ashok Warat, he has stated that the present applicants were holding sticks, but they went only after giving threat to the informant and witnesses, who were along with the informant. Such statement is appearing in the statement of Avinash @

Vitthal Warat also. Witness Mahesh, in his statement, as regards applicant Nos.2 and 3 are concerned, has stated that they had assaulted him by sticks on his hands and legs. It will not then attract ingredients of Section 307 of Indian Penal Code i.e. against co-accused. If we consider the Medico Legal Certificate of Mahesh, then as regards the hands and legs are concerned, there are injuries, but they are simple in nature. Under such circumstance, the physical custody of the applicant Nos.2 and 3 may not be required for the purpose of investigation. Making them available for investigation would suffice in the interest of justice. Hence, the following order :-

### **ORDER**

- I) Application stands disposed of as withdrawn in respect of applicant No.1.
- II) Application stands allowed in respect of applicant Nos.2 and 3.
- III) In the event of arrest of applicants viz., (i) Hanumant s/o Vishnu Adsul and (ii) Popat s/o Bapurao Arasul @ Adsul, in connection with Crime No.541 of 2021 registered with Jamkhed Police Station, Dist. Ahmednagar for the offences punishable under Sections 307, 143, 147, 148, 149, 323, 504, 506 of Indian Penal Code and under Section 4/25 of the Arms Act, they be released on P. R. Bond of Rs.30,000/- with two sureties of Rs.15,000/- each.

- IV) The applicants shall attend the concerned Police Station on every Thursday and Saturday between 10.00 a.m. to 2.00 p.m. till filing of charge-sheet and cooperate with the investigation.
- V) They shall not tamper with the evidence of the prosecution in any manner.
- VI) They shall not indulge in any criminal activity.

**[SMT. VIBHA KANKANWADI, J.]**

scm