

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

ANTICIPATORY BAIL APPLICATION NO.242 OF 2022

SHARAD S/O MUKUNDRAO SHIRASKAR
VERSUS
THE STATE OF MAHARASHTRA

...
Advocate for Applicant : Mr. P. D. Bachate
APP for Respondent-State : Ms. V. M. Kagne
...

CORAM : SMT.VIBHA KANKANWADI, J.
DATE : 18-04-2022

PER COURT :

1. The applicant is apprehending his arrest in connection with Crime No.285 of 2021, registered with Palam Police Station, District Parbhani, for the offence punishable under Section 307, 324, 326, 323, 337, 338, 143, 147, 148, 149, 504, 506 of Indian Penal Code, Section 135 of the Maharashtra Police Act, 1951, and Section 7 of the Criminal Law Amended Act, 1932.
2. Heard learned Advocate Mr.Mr. P. D. Bachate for applicant and learned APP Mr. V. M. Kagne for respondent-State. In order to cut short, it is stated that both of them have made submissions in support of their respective contentions.
3. The FIR has been lodged by one Govind Ramrao Rokade whose

relatives had contested Palam Nagar Panchayat election of which for 13 wards the process of voting ended on 21-12-2021. However, he states that the rival political party had dispute with the party of the informant, and there was heat exchange of words between him and one Digamber Kokate on 17-12-2021. He then states that around 04.30 p.m. on 22-12-2021, when his cousin brother Vaibhav Gulabrao Rokade was near mini bus stand, Palam, he was asked by accused Gangadhar and Mangesh as to why he has campaigned for one Balashaeb Rokade. They had assaulted him. Then said Vaibhav told the said incident to the informant and others and according to the informant, thereafter, they all went around 05.00 p.m. on 22-12-2021 to 'Siraskar Galli' in order to ask as to why those persons had assaulted Vaibhav. Thereafter, in all 26 named persons and 60 to 65 other persons came together and assaulted the informant and others. They had also made allegation as to why they were raising false allegations against those persons who are now named as accused. It is then stated that accused Vasant Kaka Siraskar had caught hold of the right hand of informant and made him to bend. It is also alleged that accused Pawan Siraskar and Pralhad Siraskar had assaulted the informant on his left hand by wooden stick. Accused Pandurang and Laxman had assaulted him on his left hand,

chin by wooden stick. Some other had assaulted the brother of the informant.

4. The say of the Investigating officer as well as it was the say of learned APP that the law and order situation had become worst as it was the election time. Physical custody of the accused is necessary.

5. Specific role has been attributed to the present applicant in the FIR that he had assaulted the informant with Katti and gave blow over the head of the informant causing injury. Head is a vital part of the body. Further, it can be seen that in another FIR vide Crime No.284 of 2021, which has been lodged at the behest of the PSI Vinod Sane, registered against this applicant also. The present applicant had filed ABA No.45 of 2022 along with other persons and it was withdrawn after the disinclination was shown by this Court to grant any relief to him on 14-01-2022. Now it appears that the present applicant is absconding. The weapon with which the injury was caused to the informant Govind Rokade, is yet to be recovered. The ground of parity is not available to the present applicant in view of the fact that the role attributed to the applicant is specific whereas the role attributed to the co-accused who have been released by this Court by order dated 31-01-2022 is different. In

view of these facts, the application deserves to be rejected, accordingly it is rejected.

(SMT. VIBHA KANKANWADI)
JUDGE

vjg/-.