

IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
BENCH AT AURANGABAD.

922 ANTICIPATORY BAIL APPLICATION NO.582 OF 2022

1. Dashrath S/o Kalidas Kolekar.
2. Mahesh s/o Kalidas Kolekar.
3. Kalidas s/o Baburao Kolekar.
4. Giteshwar s/o Manik Waghmode. ... Applicants

Versus

The State of Maharashtra. ... Respondent

...
Mr. Sudarshan J. Salunke, Advocate for Applicants.

Mr. B. S. Badakh, APP for Respondent/State

...

AND

957 BAIL APPLICATION NO.670 OF 2022

Ganesh Kalidas Kolekar. ... Applicant

Versus

The State of Maharashtra. ... Respondent

...
Mr. Sudarshan J. Salunke, Advocate for Applicants.

Mr. A. S. Shinde, APP for Respondent/State

...

CORAM : SARANG V. KOTWAL, J.

DATE : 10th June, 2022.

PER COURT:

. Both these applications are disposed of by this common order because they arise out of the same registered offence and the same investigation. Whenever necessary the applicants are referred to by their names.

2 The applicant Ganesh Kolekar is already arrested on 3rd April, 2022 and since then he is in custody. The investigation has substantially progressed though charge-sheet is not filed yet against him. The other applicants are seeking anticipatory bail. The subject matter is C.R. No.83 of 2022, registered at Dhoki Police Station, District Osmanabad on 1st April, 2022, under Sections 143, 147, 148, 149, 307, 326, 427 and 506 of the Indian Penal Code.

3 The FIR is lodged by one Vishnu Adke on 1st April, 2022. He has stated that on 31st March, 2022 at about 08:30 am he was going towards agricultural field on motorcycle. The informant was accompanied by his brother. At that time, an unknown person stopped them. When they were stopped, suddenly all the accused and some unknown persons came there carrying iron rods, iron pipes, sticks, stones, wooden sticks. It is alleged that the applicant Ganesh tried to assault informant on his head. The informant put up his hand to ward

off the blow and therefore, has suffered injury to his left wrist. He also suffered other injury on his left hand. It is alleged that Mahesh used iron pipe, Dashrath used iron rod, Kalidas used stone and Gitesh used stick to assault the informant. His mobile phone was thrown on the ground. He was assaulted again till he became unconscious and then they left the place. After some time, he regained consciousness and went to the police station. He was referred to Government Hospital. After that, he lodged this FIR.

4 Learned counsel for applicants submitted that the incident is not true. In fact the applicant Ganesh was assaulted by the first informant and his group causing fracture to Ganesh's right wrist. He has lodged his own FIR vide C.R. No.85 of 2022 mainly under Section 307 of the Indian Penal Code. He submitted that because of the previous enmity, all the applicants are falsely implicated.

5 Learned APP opposed these applications and submitted that the offence is serious and the punishment is life imprisonment. Therefore, the relief should not be granted to any of the applicants.

6 I have considered these submissions and I have perused the investigation papers and in particular I have perused the medical certificate. The said certificate shows that the first informant Vishnu

Adke has suffered blunt trauma on left hand and all over the body, which is described as simple injury. The other injuries are CLWs on both legs and those are also described as simple injuries. The medical certificate does not show that he has suffered any injury causing fracture or any head injury causing loss of consciousness. Thus, it does appear that the offence is not that serious as is described in the FIR. In this view of the matter, the applicants can be granted relief they have sought for. Hence, the following order:

ORDER

- I. Both the applications are allowed.
- II. In Bail Application No.670 of 2022, in connection with C.R. No.83 of 2022, registered at Dhoki Police Station, District Osmanabad, the applicant Ganesh Kalidas Kolekar is directed to be released on bail on his executing P.R. bond in the sum of Rs.25,000/- (Rupees Twenty-Five Thousand Only) with one or two sureties in the like amount.
- III. The applicant shall attend the concerned Police Station, as and when called and shall cooperate with the investigation.

- IV. In Anticipatory Bail Application No.582 of 2022, in the event of their arrest in connection with C.R. No.83 of 2022, registered at Dhoki Police Station, District Osmanabad, the applicants are directed to be released on bail on their executing P. R. bond in the sum of Rs.25,000/- (Rupees Twenty-Five Thousand Only) each with one or two sureties each in the like amount.
- V. The applicants shall attend the concerned police station as and when called and shall cooperate with the investigation.
- VI. Both the applications stand disposed of accordingly.

[SARANG V. KOTWAL, J.]