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

ANTICIPATORY BAIL APPLICATION NO.956 OF 2022

**NANDU @ NANDRAM DADARAO GOPALGHARE
VERSUS
THE STATE OF MAHARASHTRA**

Mr Sandip Ramnath Andhale, Advocate for applicant;
Ms V. S. Choudhari, A.P.P. for respondent

CORAM : S. G. MEHARE, J.

DATE : 2nd August, 2022

P.C.

1. Heard the learned counsel for the applicant and the learned APP for the respondent/State.
2. The learned counsel for the applicant has vehemently argued that there was a scuffle between two groups. The persons from the two groups have assaulted each other. The report has also been lodged against the present complainant by the son of the present applicant. He has vehemently argued that the first information report is vague. It is hard to understand who assaulted whom. The allegations have been levelled against the applicant that he has assaulted Sanjay Shrirame on chest and waist with stone. The allegations are absolutely incorrect. In a scuffle, the injured Sanjay Shrirame might have fallen down on the earth and suffered the injury. The injury certificate does not support the allegations levelled against

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the applicant. The injury certificate of Sanjya Shrirame reveals that he has tenderness over the chest and that was a simple injury. Most of the accused have been released on bail. The learned counsel for the applicant would refer to the spot of the incident and argue that the stones were lying on the spot of the incident. Therefore, there is possibility of falling on the earth and sustaining the injury. The applicant never used the stone. On the contrary, he was also assaulted seriously. Considering the allegations against the applicant, the custodial interrogation of the applicant is not required.

3. The learned APP has vehemently argued that law and order of the village has been disturbed due to the rival groups. Both groups assaulted the members of each other. Both groups have lodged the reports. The various persons have suffered injuries. Therefore, the custodial interrogation of the applicant is required.

4. The first information report reveals, it is alleged that the applicant assaulted one Sanjay Shrirame with stone. However, the injury certificate of Sanjay Shrirame does not reveal that he has suffered serious injury. The spot panchnama reveals that stones and sticks were lying on the spot of the incident. Considering the spot of the incident, there appears substance in the argument of the learned counsel for the applicant that the injured might have fallen on the stone. Large number of persons from both the groups were involved

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in the riot. The reason is best known to the prosecution why the stones lying on the spot were not seized. Be that as it may, considering the allegations levelled against the applicant and injury sustained by Sanjay Shrirame, it appears that the so-called stone used by the applicant was lying on the spot. Therefore, the custodial interrogation of the applicant may not be required. Hence, the following order :-

- i) The application is allowed.
- ii) In the event of arrest, the applicant Nandu @ Nandram s/o. Dadarao Gopalghare be released on bail, on executing P.B. and S.B. of Rs.20,000/- with one solvent surety of the like amount, in C.R.No. I-27 of 2018, registered with Police Station Jamkhed, Taluka Jamkhed, District Ahmednagar, for the offence punishable under Sections 307, 326, 324, 323, 504, 506, 143, 147, 148, and 149 of the Indian Penal Code; on the condition that he shall attend the police station as and when called by the Investigating Officer on written notice.

(S. G. MEHARE, J.)

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