

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

ANTICIPATORY BAIL APPLICATION NO.1565 OF 2022

Suresh Dagdu Ubhedal

.... Applicant

Versus

The State of Maharashtra
and another

.... Respondents

.....
Mr. Narayan B. Narwade, Advocate for the Applicant
Mr. V.S. Badakh, APP for Respondents – State
.....

[CORAM : NITIN B. SURYAWANSHI, J.]

DATE : 14th December, 2022

ORDER :

1. The applicant apprehends his arrest in connection with Crime No.0906 of 2022 registered with Newasa Police Station, District Ahmednagar for the offences punishable under sections 307, 143, 144, 147, 148, 323, 504, 506 of the Indian Penal Code.

2. The informant has alleged in the FIR that, on 21/10/2022 at about 6.30 p.m., when the informant was at Newasa *Phata* along with some witnesses, they saw one Eicher Tempo driven by Kishor Gore going towards village *Bhanshivare*. The informant and others followed the tempo

and also called the other witnesses. Tempo stopped at the Godown of accused No.2, bags containing Sugar, Wheat and Rice were being unloaded in the Godown. The informant and others accosted the Godown owner as to why the articles meant for public distribution system are being stored in his Godown, the Godown owner called applicant. Thereafter, applicant came there and abused the witnesses and gave them threats of life. He also called his son Amrut, who came to the spot along with other accused persons. Amrut pulled down the informant and assaulted him with iron rod on head. Thereafter, the applicant inflicted several blows of iron rod on the legs of informant. Accused Ganesh assaulted the informant with wooden log on his head. Sunil Gaikwad assaulted the informant on his back with iron rod.

3. Heard the learned advocate for the applicant and the learned Additional Public Prosecutor for the respondent State. Perused the investigation papers.

4. Injury certificate of the informant shows two injuries, (i) CLW over frontal Bone, (ii) CLW below left patella 1 x 1 cm. Both the injuries are simple. No fracture is noticed.

5. Considering the injury certificate, *prima facie*, the informant appears to have exaggerated the incident. Vehicle and the weapons used in the offence are already seized. Nothing is to be recovered from the applicant.

6. The applicant was granted interim protection and he has co-operated in the investigation. In the light of these facts, pre-trial custodial detention of the applicant is not warranted in the facts of the present case.

7. The application is, therefore, allowed by confirming the interim order.

8. Till filing of the charge sheet, the applicant shall attend the concerned police station as and when called by the investigating officer and co-operate in the investigation. The applicant shall not tamper the prosecution evidence.

[NITIN B. SURYAWANSHI]
JUDGE

S.P. Rane