

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

ANTICIPATORY BAIL APPLICATION NO.1564 OF 2022

Krushna @ Shrikrishna Shivraj Dhole
And Others

...Applicants

Versus

The State Of Maharashtra And Another

...Respondents

Mr. N.P. Patil Jamalpurkar, Advocate for the applicants.
Mr. V.S. Badakh, APP for respondents.

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[CORAM : NITIN B. SURYAWANSHI, J.]

DATE : 13th DECEMBER, 2022

ORDER :

1. The applicants apprehend arrest in Crime No. 550/2022 registered with Omurga Police Station, Osmanabad, for the offences punishable under sections 143, 307, 323, 504 and 506 of the Indian Penal Code.

2. First Information Report is lodged by one Venkat Govind Yemgar alleging that there is dispute between informant and applicants in respect of road to approach their agricultural lands. On account of said dispute on 27.10.2022 applicants and others assaulted informant. Informant was thrown in front of tractor and tractor was run over him, due to which he suffered injury to his right leg.

3. Heard the learned advocate for the applicants and learned Additional Public Prosecutor for respondents. Perused the investigation papers.

4. First Information Report of the incident dated 27.10.2022 is lodged on 31.10.2022. There is no explanation of delay. In the injury certificate no history of assault is mentioned. The injuries mentioned in the injury certificate are right ankle swelling, no external injury is seen and right knee pain, no external injury is seen. After obtaining X-ray fracture to the right ankle and tibia is noticed. If the allegations of informant are to be accepted serious injuries and multiple fractures should have been caused to informant.

5. The investigating agency has seized the tractor. One of the co-accused is arrested and released on regular bail. Investigation appears to be almost complete. In that view of the matter, in the facts of the present case pre-trial custodial detention of the applicants is not warranted. In the result, application is allowed.

6. In the event of arrest of applicants in connection with Crime No. 550/2022 registered with Omerga Police Station, Osmanabad, for the offences punishable under sections 307, 143, 323, 504 and 506 of the Indian Penal Code, they shall be released on P.B. and S.B. of Rs. 15,000/- each with one surety each in the like amount.

7. Till filing of charge sheet, applicants shall attend the concerned police station on every Sunday between 10.00 am to 12.00 noon and co-operate in the investigation. The applicants shall not indulge in similar offence. The applicant shall not tamper the prosecution evidence.

[NITIN B. SURYAWANSHI, J.]