

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

ANTICIPATORY BAIL APPLICATION NO.1568 OF 2021

AJIT BHALERAO PATIL
VERSUS
THE STATE OF MAHARASHTRA

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Mohit S. Shah, Advocate for the applicant.
Mr. A. M. Phule, APP for the respondent – State.

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CORAM : SMT. VIBHA KANKANWADI, J.

Reserved on : 18.02.2022

Pronounced on : 24.03.2022

ORDER :-

1. The applicant is apprehending his arrest in connection with Crime No.226 of 2021 registered with West Deopur Police Station, Dist. Dhule for the offences punishable under Sections 323, 324, 326, 427, 504, 506 read with Section 34 of Indian Penal Code.

2. Heard learned Advocate Mr. Mohit S. Shah for the applicant and learned APP Mr. A. M. Phule for the respondent – State. In order to cut short, it can be said that both of them have made submissions in support of their respective contentions.

3. Crime No.226 of 2021 has been registered on the basis of the FIR lodged by one Rohit Chudaman Patil at about 19.58 hours on

16.08.2021 in respect of the incident that had allegedly taken place around 17.30 hours i.e. 5.30 p.m. on 15.08.2021. As regards the present applicant is concerned, it can be seen that he is the cousin brother of the informant and it is stated by the informant that when he was milking the cow in his land, the applicant along with his brother Pravin went at that spot and started asking as to why the informant has cut the Babul tree. The applicant had assaulted him by iron rod on his head, left hand and right leg. Informant's father was assaulted by the present applicant by iron rod and caused injury to his left hand wrist. It is then stated that, in the said process, the mischief has been caused as the gold chain from his neck fell down. Initially FIR was registered under other Sections except Section 326 of Indian Penal Code, but afterwards it was certified by the hospital that the informant has sustained grievous hurt. Thereafter, Section 326 of Indian Penal Code came to be added. It is also to be noted that the present applicant had filed FIR at about 1.29 a.m. on 16.08.2021 in respect of the incident that had taken place at 17.15 hours i.e. 05.15 p.m. of 15.08.2021. It was under Sections 323, 324, 504, 506 read with Section 34 of Indian Penal Code and it was against the informant in present case i.e. Rohit, his brother Mahendra and father Chudaman. It is stated that the present applicant had received injuries.

4. The police papers were called in respect of both the crimes with a view to see that when as per the contention of present applicant the incident had taken place at about 5.15 p.m. and he was assaulted, then when he had gone to Police Station and whether he could have been said to be available at the spot when the incident narrated by informant Rohit had taken place. The Medico Legal Certificate of the applicant shows that he had received simple injuries and was examined by Doctor at Hospital at 6.45 p.m., but then it is stated that the history was given that the incident had taken place at about 5.30 p.m. on 15.08.2021. As regards the injury certificate of informant Rohit is concerned, it shows in all four injuries and the CT Scan of brain was done. It is stated that the nature of the injury noted by the medical officer is grievous in nature. There are statements of the witnesses recorded, who also claimed to be the eye witness in both the cases. Therefore, when substantial part of the investigation appears to be over, the physical custody of the applicant may not be necessary. Though it is stated that the physical custody of the applicant is necessary to recover the iron rod, yet it can be seen from the police papers that two feet length iron rod has been seized. Therefore, there is no question of custodial interrogation requiring custody of the applicant to be handed over to the police. If he is made available to the police for investigation, then it would be in the

interest of justice and at the same time, his liberty would be kept intact. This Court had granted interim protection to the applicant by order dated 22.12.2021. It deserves to be confirmed with only addition of condition that he should attend the police station and cooperate with the investigation. Hence, the following order :-

ORDER

- I) Application stands allowed.
- II) The interim protection granted earlier by this Court vide order dated 22.12.2021 stands confirmed and made absolute. In other words, in the event of arrest of the applicant – Ajit Bhalerao Patil in connection with Crime No.226 of 2021 registered with Deopur Police Station, Dist. Dhule for the offences punishable under Sections 323, 324, 326, 427, 504, 506 read with Section 34 of Indian Penal Code, he be released on P. R. Bond of Rs.25,000/- with one or more sureties in the like amount, if not already released.
- III) The applicant shall attend concerned Police Station on every Monday between 10.00 a.m. to 2.00 p.m. till filing of charge-sheet and cooperate with the investigation.
- IV) He shall not tamper with the evidence of the prosecution, in any manner.
- V) He shall not indulge in any criminal activity.

[SMT. VIBHA KANKANWADI, J.]

scm