

**ANTICIPATORY BAIL APPLICATION NO.1699 OF 2022**

|                                      |                |
|--------------------------------------|----------------|
| Shrihari Ganpat Tambe And Another    | ...Applicants  |
| Versus                               |                |
| The State Of Maharashtra And Another | ...Respondents |

Mr. S.J. Salunke, Advocate for the applicant.  
Mr. A.V. Deshmukh, APP of respondents.

.....  
[CORAM : NITIN B. SURYAWANSHI, J.]

DATE : 21<sup>st</sup> DECEMBER, 2022

**ORDER :**

1. After arguing on merits at length, when this Court was not inclined to grant relief to applicant No. 2, the learned advocate for applicants on instructions seeks permission to withdraw the application of applicant No. 2. The application of applicant No. 2- Ulhas @ Kakasaheb Shrihari Tambe is hereby dismissed as withdrawn.

2. Applicant apprehends his arrest in Crime No. 158/2022, registered with Paranda Police Station, Osmanabad, for the offences punishable under sections 307, 324, 325, 341, 504, 506 read with 34 of the Indian Penal Code.

3. First Information Report is lodged by Sunil Tambe alleging that the applicant has encroached on his 20 ghunta

agricultural land. On that count, there was dispute going on between the applicant and informant. On 02.06.2022, applicant and his son tried to administer poisonous substance to informant's son Shubham. When Shubham was being taken to the hospital on motorcycle, son of applicant assaulted Shubham with a chopper. Applicant assaulted informant on head with stone.

4. Heard the learned advocate for the applicant and learned Additional Public Prosecutor for respondents. Perused the investigation papers.

5. It is the case of the applicant that at the instance of his son First Information Report at Crime No. 157/2022 is registered against informant, his son Shubham and one Nilesh Shinde for the offences punishable under sections 307, 324, 325, 326, 341, 504, 506 read with 34 of IPC, alleging that informant therein and his father i.e. present applicant were assaulted by accused person with hammer, due to which they suffered fracture injuries on leg.

6. Role attributed to the present applicant in the crime is that he assaulted informant with stone. Injury certificate of

informant reveals that he has suffered abrasion and contusion on left frontal region. Both the injuries are simple in nature. The applicant has also suffered injuries in the alleged incident. The applicant's pre-trial custodial detention is therefore not warranted in the facts of the present case. In that view of the matter, the applicant deserves protection. The application is therefore allowed.

7. In the event of arrest of applicant in connection with Crime No. 158/2022, registered with Paranda Police Station, Osmanabad, for the offences punishable under sections 307, 324, 325, 341, 504, 506 read with 34 of the Indian Penal Code, he shall be released on executing P.B. and S.B. of Rs. 15,000/- with one surety in the like amount. The applicant to attend the concerned police station during 25<sup>th</sup> December, 2022 to 30<sup>th</sup> December, 2022, everyday, between 10.00 am to 12.00 noon and shall co-operate in the investigation.

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

**[NITIN B. SURYAWANSHI, J.]**