

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

CRIMINAL ANTICIPATORY BAIL APPLICATION NO.70 OF 2022

Vilas Daulat Shinde ... Applicant

Vs.

The State of Maharashtra ... Respondent

Ms.Rekha Musale for the Applicant.

Ms.M.R. Tidke, APP for the Respondent –State.

Mr.D.M. Gaware, PSI, Wadner Bhairaw Police Station.

CORAM : C.V. BHADANG, J.

**DATE : 20 JANUARY 2022
(Through Video Conferencing)**

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P.C.

. The Applicant Vilas Shinde (Accused No.3) apprehending arrest in connection with the investigation of the Crime No.272 of 2021 registered with Wadner-Bhairaw Police Station, District-Nashik under Section 307, 324, 504 and 506 read with Section 34 of the Indian Penal Code is seeking anticipatory bail.

2. The aforesaid offence was registered on the basis of the complaint lodged by Mr.Prabhakar Shinde. The incident is alleged to have happened on 24 November 2021 at about 9.00 a.m. at Shindevasti, Wadner Bhairaw, Taluka-Chandwad, District-

Nashik. It appears that the parties are closely related and there is a dispute as to the agricultural land in which there is a grape orchard. According to the informant Pramod Shinde when he along with others had gone to his field, the Applicants came there and insofar as the present Applicant is concerned it is alleged that he assaulted the injured on the backside, by the wooden rod of an axe.

3. The learned counsel has pointed out that the allegation of the assault by the iron rod is against the co-accused Daulat Shinde who has already been arrested. She pointed out that all the recoveries have already been made as per the reply dated 27 December 2021 filed before the learned Sessions Judge. She therefore, submitted that the custodial interrogation of the Applicant is not necessary. She also pointed out that there is a cross FIR by the Applicant Daulat Shinde, arrested accused against the informant and others.

4. It is submitted that initially the offence under Section 324, 504 and 506 was registered and subsequently the offence under Section 307 of IPC was registered after supplementary statement of the informant was recorded.

5. The learned Additional Public Prosecutor pointed out injury report of the two injured. Although the injuries shown

are simple in nature, the learned Additional Public Prosecutor stated that the injury is occipital region and the multiple abrasions over back, which *prima facie* indicates commission of an offence under Section 307 of IPC.

6. The learned Additional Public Prosecutor however did not dispute that all the recoveries have already been made including that of the axe which is used in offence. She therefore, submitted that in the event this Court is inclined to admit the Applicant to anticipatory bail, appropriate conditions may be imposed. In the circumstances, following order is passed.

ORDER

(i) In the event of his arrest in connection with investigation of C.R.No.272 of 2021 registered with Wadner-Bhairaw Police Station the applicant-Vilas Daulat Shinde shall be released on bail on executing a P.R. Bond in the sum of Rs.25,000/-with one or two solvent sureties in the like amount.

(ii) The applicant shall attend concerned Police Station on 1, 2 and 3 February 2022 between 11.00 am to 1.00 p.m. and as and when called by the investigating officer and shall co-operate with the Investigating Agency.

(iii) The applicant shall not contact/influence or threaten or pressurize the complainant or otherwise tamper with the prosecution evidence/witnesses.

(iv) In the event of breach of any of the conditions the bail is liable to be cancelled.

(v) The Criminal Application is disposed of in the aforesaid terms.

C.V. BHADANG, J.