

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

BAIL APPLICATION NO. 1371 OF 2022

Dipak Nandaji Yadav

... Applicant

Versus

The State of Maharashtra

... Respondent

Mr. Rupesh Zade i/by Mr. Rahul Dhaigude for the Applicant.

Mr. P. H. Gaikwad, APP for the State.

PH/141 – S. V. Sapkal, Shirala Police Station, Dist. Satara.

CORAM : VINAY JOSHI, J.

DATE : 29th APRIL, 2022

P.C. :-

1. The applicant is seeking regular bail in Crime No. 66 of 2022 registered with Shirwal Police Station, Satara for the offence punishable under Sections 326, 323, 504 and 506 read with 34 of the Indian Penal Code. The State opposed the bail.

2. At the instance, report lodged by one Banabai Dighe crime was registered. She stated that her son got injured in the occurrence and therefore she filed report. Informant is not the eye-witness to the occurrence. Perusal of Police paper indicates that there was a minor dispute in between applicant Dipak Yadav and his neighbour Rahul Paswan at the instance of throwing empty bottle on the road. It is the prosecution case that applicant Dipak Yadav has called his associates who beated Hanumant and Gajanan Bokhare. Statements of both injured indicates that Gajanan Bokhare was assaulted by co-accused by means of fist blows and kicks whilst Hanumant was assaulted by

means of stone at his head. Injury certificate discloses that Hanumant sustained head injury of grave nature.

2. Admittedly, allegation against applicant is of calling his associates who in turn assaulted both of them. In other words, there are no allegations that applicant has actually assaulted, hence he can be termed as preparator of crime. It is informed that injured is discharged after 15 days from the occurrence. It is submitted that injured is paralyzed, however, no supporting documents are produced. The offence is exclusively triable by Magistrate. The investigation is practically complete. In the circumstances, taking a note that applicant has not actually assaulted he can be released on bail on terms. Hence, the following order :-

ORDER

- (a) Applicant namely Dipak Nandaji Yadav is released on bail in connection with the Crime No. 66 of 2022 registered with Shirwal Police Station, Satara for the offence punishable under Sections 326, 323, 504 and 506 read with 34 of the Indian Penal Code, on his furnishing P.R. Bond of Rs.25,000/- with one or two sureties in the like amount.
- (b) The applicant shall attend concerned Police Station on every first Sunday of every month between 10:00 a.m. to 12:00 noon for the period of one year from today.
- (c) The applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case, as also shall not tamper with the evidence.
- (d) Application stands disposed in above terms.

[VINAY JOSHI, J.]

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