

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR

Criminal Application (BA) No.535/2022

Suhas Patil and another V State of Maharashtra thr PSO PS Borakhedi, Buldhana

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's Orders

Shri P.U. Ghare, Advocate for applicants.

Mrs. M.A. Barabde, APP for State.

Mr. A.J. Thakkar, Advocate for non-applicant no.2.

CORAM : ANIL S. KILOR, J.

DATE : 20-06-2022

The applicants have approached to this Court by filing the present application under Section 439 of the Code of Criminal Procedure for grant of bail in connection with Crime No.0174/2022 dated 20-04-2022 registered with Police Station Borakhedi, District Buldhana for the offences punishable under Sections 143, 147, 148, 149, 324, 294, 323, 506 of the Indian Penal Code.

2. The learned Counsel for the applicants submits that no role is attributed to applicant no.1. As far as the applicant no.2 is concerned, his mother is suffering from Breast Cancer. It is submitted that as the applicants are in jail for about two months their custody is not necessary. It is submitted that the applicants have been falsely implicated in the alleged offence out of political

rivalry. Accordingly, he prays for grant of bail.

3. The learned APP, on the other hand, strongly opposed the application. She submits that for a petty reason the accused persons assaulted the complainant and his brother. The complainant was discharged after three days, whereas the brother of the applicant was discharged after four days. She, therefore, submits that looking to the reason of assault, there is every possibility that the applicants will pressurize the prosecution witnesses if they are released on bail and in that case, it is difficult to conduct the investigation in a fair manner.

4. Mr. Thakkar, learned Advocate who is assisting the prosecution on behalf of the complainant submits that there is no enmity between the complainant and the accused persons. However, for the reason that in a marriage ceremony, while doing the anchoring, the complainant did not mention the name of the main accused, the assault was made. It is submitted that the complainant and his family is in terror. It is submitted that looking to the antecedents of the applicants, the complainant is having an apprehension that he may be harassed if the applicants are released on bail. He therefore, prays for rejection of the present application.

5. I have perused the charge-sheet and the contents of the First Information Report (FIR).

There are witnesses to the incident. Thus, there is

sufficient *prima facie* incriminating material available on record. Moreover, after looking to the reason for which the accused persons assaulted the complainant and his brother, there is every likelihood that if the applicants are released on bail, they may pressurize the prosecution witnesses and hamper the investigation.

6. In the circumstances, I am of the opinion that the applicants are not entitled for grant of bail. Accordingly, I pass the following order :

ORDER

Application is rejected.

(Anil S. Kilor, J.)

Deshmukh