

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

Criminal Application (ABA) No.500/2022

Ilesh Pawar and another V State of Maharashtra thr PSO PS Janefal, Akola

Office notes, Office Memoranda of

Coram, appearances, Court's orders

or directions and Registrar's orders.

Court's or Judge's Orders

Mr. S.G. Joshi, Advocate for applicants.

Mr. V.A. Thakare, APP for State.

CORAM : ANIL S. KILOR, J.

DATE : 27-07-2022

The applicants have approached to this Court by filing the present application under Section 438 of the Code of Criminal Procedure for grant of anticipatory bail in connection with Crime No.0155/2021 registered with Police Station Janefal, District Buldhana for the offences punishable under Sections 326, 324, 504, 506, 427, 188 read with section 34 of the Indian Penal Code.

2. Learned Counsel for the applicants submitted that the injuries caused to the complainant were not caused at the instance of the present applicants, but at the instance of accused no.1 Yaspalas. He submits that even if the allegations made in the FIR are considered on its face value, except the fact that the applicant no.1 was present on the spot, no overt act is attributed against him. Whereas, the applicant no.2 has assaulted the complainant by

stick. He submits that the injuries caused because of the same are simple in nature.

3. He, therefore, submits that the custody of the applicants is not necessary for the investigation. Accordingly, he prays for grant of pre-arrest bail.

4. On the other hand, learned APP strongly opposed the application and submits that the applicant no.2 was insisting the complainant for marriage of his son with the grand daughter of complainant and on refusal to accept such proposal, the alleged incident took place. He submits that considering the nature of allegations, this Court may not grant bail to the applicants.

5. I have perused the chargesheet and the FIR.

6. As far as the applicant no.1 is concerned, the allegations in the FIR show that he was present at the spot. However, except this no overt act is attributed against the applicant no.1. Further the injuries caused to the complainant because of assault by applicant no.2, are of simple in nature.

7. Thus, considering the nature of allegations against the applicants, I am of the opinion that if some stringent conditions are imposed, while granting bail, purpose will be served. Accordingly, I pass the following order:-

ORDER

- i) Application is allowed.
- ii) Order dated 06-07-2022 is confirmed.
- iii) The applicant shall not enter into the territorial jurisdiction of Janefal, Distinct Buldhana, till the filing of chargesheet, except for attending Police Station as and when their presence is required, for investigation.
- iv) The applicants shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case, as also not tamper with the evidence.
- v) The applicants shall provide their addresses and the name of the Police Station which they shall attend on first Friday of each month between 10.00 am to 12.00 noon, till the filing of chargesheet.

(Anil S. Kilor, J.)