

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

CRIMINAL APPLICATION (ABA) NO.574 OF 2022

Gajanan S/o Sakharam Thigle and another

Versus

State of Maharashtra, through P.S.O., P.S. Andhera, Tq. Chikhli, Dist. Buldhana

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Shri P.B. Patil, Advocate for the applicants.

Shri S.A. Ashirgade, A.P.P. for the non-applicant/State.

Shri Vivek Awchat, Advocate Assist to Prosecutor.

CORAM : ANIL S. KILOR, J.

DATED : 18/08/2022

1. The applicants are seeking pre-arrest bail in Crime No.205 of 2022, dated 29.06.2022, registered with Police Station Andhera, District: Buldhana, for the offences punishable under Sections 302, 307, 452, 143, 147, 148, 149, 294, 506 and 427 of the Indian Penal Code.

2. Shri Patil, learned counsel for the applicants submits that the incident took place in a small village where everyone is acquainted with everyone and therefore, not naming the applicants in the First Information Report (FIR), is sufficient to show that the applicants have been falsely implicated in the alleged offence. He submits that the applicants no way connected with the alleged offence.

3. He further points out that though in the FIR, it is stated that there were five unknown persons with the accused Nos.1 to 3 however, subsequently, the number has been increased and now it is more than fourteen accused. He therefore, submits that the applicants may be granted pre-arrest bail.

4. On the other hand, Shri S.A. Ashirgade, learned APP strongly opposes the present application and submits that after the first incident of assault took place in the agricultural field, the accused persons went to the house of the informant and assaulted his parents wherein, the mother of the informant died and thereupon, Section 302 of the IPC was added. Thus, he submits that the offence is serious and custodial interrogation of the applicants is necessary.

5. Shri Awchat, learned counsel who is assisting the prosecution on behalf of the complainant, reiterates the submission of the learned APP and prays for rejection of the present application.

6. I have perused the Case Diary and the FIR.

7. The case diary shows that the Investigating Officer (IO) has recorded the statement of witnesses during the investigation. In the statement of witnesses, the

witnesses have named the applicants and also attributed the role to them. Moreover, in this case, Section 149 of the IPC is invoked. Thus, considering the fact that after first incident, the accused persons went to the house of the informant and assaulted the parents of the informant wherein, the mother of the informant died and further considering the nature and seriousness of the offence and character of incriminating material collected by the IO during the investigation, I am of the opinion that the applicants are not entitled for grant of pre-arrest bail. Accordingly, I pass the following order:

The criminal application is **rejected**.

[ANIL S. KILOR, J.]