

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

ANTICIPATORY BAIL APPLICATION NO.383 OF 2023

Sampat Chandrahas Isarwade & ors. ... APPLICANTS

VERSUS

The State of Maharashtra & anr. ... RESPONDENTS

.....

Mr. V.B. Kale, Advocate for applicants
Mr. N.T. Bhagat, A.P.P. for respondents, assisted by
Mr. S.R. Zambre, Advocate for original complainant

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WITH

CRIMINAL APPLICATION NO.1180 OF 2023 IN
ANTICIPATORY BAIL APPLICATION NO.383 OF 2023

Eknath s/o Rangnath Kale ... APPLICANT

VERSUS

Sampat Chandrahas Isarwade & ors. ... RESPONDENTS

.....

Mr. S.R. Zambre, Advocate for applicant
Mr. V.B. Kale, Advocate for respondents No.1 to 5
Mr. N.T. Bhagat, A.P.P. for respondent No.6

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CORAM : R.G. AVACHAT, J.

DATE : 3rd APRIL, 2023

PER COURT :

Criminal Application No.1180/2023 is allowed. The
intervener is permitted to assist learned A.P.P.

2. Heard. The First Information Report (F.I.R.) has been lodged on 13/2/2023 in relation to the incident that took place on 11/2/2023. It has been alleged in the F.I.R. that, the informant was called by the applicant Arun to the field. The informant, therefore, went to the field. Arun picked up quarrel with him over the bandh that intervenes lands of both of them. It has further been alleged that, Arun then called his son-in-law Sampat and others. All of them came back. They were armed with sticks. Applicant Arun assaulted Eknath with an iron rod while others assaulted on the back and forehead of the informant. The applicant Sampt allegedly gave him fisticuffs. Then all the applicants left that place but not before giving the informant threats to his life.

3. It appears that, the informant has only given his side of the story. There is record to indicate that the applicant Arun has also filed F.I.R. against the informant Eknath and others in relation to the very incident. He has placed on record his injury certificates. As such, it appears to be a case either of free fight. At this stage, it is difficult to ascertain who was aggressor since the dispute took place at a place whereat both the sides have their agricultural fields. The injury certificates of

informant Eknath indicate he suffered four simple injuries. The learned counsel for the intervener would submit that, the assault was made on his forehead. The same indicates intention of the applicants to commit his murder. Section 326 of the Indian Penal Code has been invoked. There is, however, no injury certificate to indicate the informant to have suffered injury grievous in nature.

4. Four of the five applicants have already been protected. The applicant Arun allegedly assaulted on the hand of the informant with iron rod. The injury suffered thereby is simple in nature. As such, the offence punishable under Section 324 of the Indian Penal Code appears to have been committed by all the applicants. The said offence is bailable one. It is not known as to why Section 326 has been invoked. These observations are prima facie in nature. The trial Court shall not be influenced thereby.

5. For all the aforesaid reasons, the application is allowed. In the event of arrest of the applicants in connection with Crime No.0166/2023, registered with Shevgaon Police Station, District Ahmednagar for the offence punishable under Sections 143, 147, 148, 149, 326, 324, 323, 504, 506 read with

Section 34 of the Indian Penal Code, the applicants be released on bail on their executing P.R. bond in the sum of Rs.15,000/- (Rupees fifteen thousand) each with one surety in the like amount.

6. The applicants shall not tamper with the prosecution evidence and shall appear before the investigating officer as and when required for the purpose of investigation.

(R.G. AVACHAT, J.)

fmp/-