

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

ANTICIPATORY BAIL APPLICATION NO. 899 OF 2023

1. Vikram s/o Tukaram Phad
 2. Baliram s/o Tukaram Phad
 3. Balkishan s/o Tukaram Phad
- Applicants

Versus

The State of Maharashtra & another

Respondents

Mr. R. G. Hange, Advocate for the applicants.
Mr. S. N. Morampalle, APP for the State.

WITH
ANTICIPATORY BAIL APPLICATION NO. 851 OF 2023

1. Prakash s/o Bhagwat Phad
 2. Baburao @ Bappasaheb
s/o Bhimrao Nagargoje
- Applicants

Versus

The State of Maharashtra & another

Respondents

Mr. R. G. Hange, Advocate for the applicants.
Mr. S. N. Morampalle, APP for the State.
Mr. S. E. Shekade, Advocate for the informant.

CORAM : R. M. JOSHI, J.
DATE : 16th JUNE, 2023.

PER COURT :

1. By consent of both sides, Anticipatory Bail Application No. 851/2023 is heard finally.

2. When this Court has shown disinclination to grant relief to applicant No. 1 Vikram and applicant No. 3 Balkishan in Anticipatory Bail Application No. 899/2023, learned counsel for the applicants, on instructions, seeks leave to withdraw the application to their extent. Hence, Anticipatory Bail Application No. 899/2023 stands dismissed as withdrawn qua applicants No. 1 and 3.

3. Applicants are apprehending arrest in connection with Crime No. 098/2023 registered with Beed Rural Police Station, Tq. And Dist. Beed for offences punishable under Sections 307, 326, 325, 324, 341, 323, 143, 147, 148, 149, 504, 506 of Indian Penal Code and Section 4/25 of Arms Act.

4. Learned counsel for the applicants states that there is political rivalry between the informant who is the Deputy Sarpanch of the village and accused Balkishan who was the Ex-Sarpanch of the village. It is alleged that it is a case of over implication of the accused. Thus, according to him, this Court needs to consider as to

whether there is any supporting material on record in respect of the allegations made against the applicants in the First Information Report. According to him, there is no evidence to connect these applicants with the crime.

5. Learned APP and learned counsel for the informant opposed the said submission by referring to the First Information Report as well as statement of injured witnesses. It is submitted that the First Information Report clearly states about these applicants causing assault on informant or the injured witnesses. In support of their contention, they place reliance on medical certificates.

6. It seems that owing to some dispute between the parties as well as in view of the incident of quarrel occurred on the earlier day, present incident took place. When there are allegations made by the informant specifically attributing role of accused with description of how, with which weapon and on which part of the body assault was caused, now it is not open for learned APP to state that such averments may not get corroborated by medical evidence.

7. So far as applicant Baburao is concerned, there is no allegation made against him in the First Information Report about he causing assault on any one with any weapon. Though in this regard statement of injured Akash is referred to, however, his contention does not get support from his medical certificate.

8. As far as applicant Prakash is concerned, injury attributed to him is simple in nature and there are inconsistencies with regard to the injuries caused to Namdeo from his statement as well as the statement of the informant. Similar is the allegation against applicant Baliram. The allegation made against him is general in nature without specifying the nature of assault caused by him. If the informant was able to describe specific role played by each accused, then it does not stand to any reason as to why this is not so stated in respect of accused Baliram.

9. Having regard to the nature of offence and the fact of previous dispute between the parties, this Court finds substance in the contention of learned counsel for the applicants that it could be a case of over implication. Applicants have no criminal antecedent. In such circumstances, liberty of the applicants needs to be protected.

Appropriate direction to them to appear before the Investigating Officer would be sufficient for further investigation, if any. Hence, the following order :-

ORDER

(i) Anticipatory Bail Application No. 899/2023 is allowed to the extent of Applicant No. 2 Baliram and dismissed as against Applicant No. 1 Vikram and Applicant No. 3 Balkishan since withdrawn to their extent.

(ii) Anticipatory Bail Application No. 851/2023 is allowed in terms of the interim order.

(ii) In the event of arrest of Applicant No. 2 Baliram in Anticipatory Bail Application No. 899/2023 in connection with Crime No. 098/2023, registered with Beed Rural Police Station, Tq. & Dist. Beed, for the offences punishable under Sections 307, 326, 325, 324, 341, 323, 143, 147, 148, 149, 504, 506 of the Indian Penal Code and Section 4/25 of Arms Act, he be released on bail on furnishing PR Bond of Rs. 15,000/- (Rs. Fifteen Thousand only) with one solvent surety in the like amount.

(iii) He shall attend the concerned police station once in a week.

(iv) He shall not contact the witnesses directly or indirectly.

(v) He shall not interfere with the evidence in any manner whatsoever.

(vi) He is further directed to cooperate the investigating agency for further investigation.

(R. M. JOSHI)
Judge

dyb

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO. 2102 OF 2023 IN
ANTICIPATORY BAIL APPLICATION NO. 851 OF 2023

Rajendra Arjun Kedare

Applicant

Versus

The State of Maharashtra & others

Respondents

Mr. S. E. Shekade, Advocate for the applicant.

Mr. S. N. Morampalle, APP for the State.

CORAM : R. M. JOSHI, J.

DATE : 16th JUNE, 2023.

PER COURT :

Application is allowed. Learned counsel for the
informant is permitted to assist learned APP.

**(R. M. JOSHI)
Judge**

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