

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

949 ANTICIPATORY BAIL APPLICATION NO.966 OF 2023

RAJENDRA S/O GOVIND SURYAWANSHI
VERSUS
THE STATE OF MAHARASHTRA

...
Advocate for Applicant : Mr. Avinash N. Irpatgire
APP for Respondent – State : Mr. G.O. Wattamwar
...

CORAM : R. M. JOSHI, J.
DATE : 7th JULY, 2023

PER COURT :

. Heard.

2. Issue notice to respondent. Learned APP waives service of notice on behalf of respondent/State.

3. Applicant is apprehending arrest in connection with Crime No.291 of 2023 registered with Ahmedpur Police Station, Tal. Ahmedpur, Dist. Latur for the offences punishable under Section 353, 332, 323, 504, 506 of the Indian Penal Code.

4. Informant is a technician working with electricity

department. According to him, on 19.05.2023 the work for erection of poll was undergoing at Ambegaon Shivar. At that time, applicant came to spot and obstructed said work. It is alleged that he abused and assaulted informant with shoes.

5. Learned Counsel for applicant states that in fact informant had misbehaved with wife of applicant and hence present complaint is lodged in order to ensure that there is no report registered against him. He also placed reliance on N.C. complaint lodged by wife of applicant. According to him, custodial interrogation of applicant is not necessary.

6. Learned APP opposed application by submitting that there are statements of witnesses who have corroborated the version of informant about applicant not only obstructing work, but also abusing and beating informant with shoes. He therefore submits that this is not fit case to grant bail.

7. Though there is allegation against present applicant of beating informant with shoes, there is no injury certificate placed on

record to corroborate such version. It is not alleged that any weapon was used by applicant to cause assault as he said to have caused assault with shoes. With appropriate direction to applicant to remain present before Investigating Officer, it would be sufficient for further effective investigation.

8. In view of above, following order is passed.

ORDER

- (i) Application is allowed.
- (ii) In the event of arrest of applicant in connection with Crime No.291 of 2023 registered with Ahmedpur Police Station, Tal. Ahmedpur, Dist. Latur for the offences punishable under Section 353, 332, 323, 504, 506 of the Indian Penal Code, 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 as and when called.
- (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 with the investigating agency for further investigation and for the purpose of recovery if any, he shall be deemed to be in custody of police.

[R. M. JOSHI]
JUDGE

GGP