

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

ANTICIPATORY BAIL APPLICATION NO. 982 OF 2023

1. Chetan s/o Magan Chaudhari
2. Akash s/o Sukhlal More (Kumbhar)
3. Kalplesh s/o Kishor Chaudhari
4. Dhiraj @ Bhushan s/o Santosh Chaudhari
5. Kapil s/o Suresh Kumbhar @ Prem Kumbhar Applicants

Versus

The State of Maharashtra & another

Respondents

Mr. R. D. Biradar, Advocate for the applicants.

Mr. S. P. Sonpawale, APP for the State.

Mr. C. C. Deshpande, Advocate for the informant.

CORAM : R. M. JOSHI, J.

DATE : 17th JULY, 2023.

PER COURT :

1. Applicants apprehend arrest in connection with Crime No. 136/2023 registered with Songir Police Station, Tq. Songir, Dist. Dhule, for the offences punishable under Sections 326, 324, 323, 143, 147, 148, 149, 504, 506 of the Indian Penal Code.

2. Gopal Mali reported the incident occurred on 24th May, 2023 at about 10.00 to 10.30 pm near Gram Panchayat office. It is

alleged by the informant that the present applicants and others assaulted him with wooden sticks and fists and kicks blows. There is allegation against co-accused Kanhaiyyalal Choudhari and Kapil Kasar of causing assault on him with sharp edged weapon.

3. Learned counsel for the applicant states that in respect of the same incident, counter report has already been registered. According to him, there are no specific allegations against the applicants herein of causing any assault on the informant.

4. Learned APP and learned counsel for the informant opposed the application contending that the injury certificate supports the allegation about informant Gopal being assaulted with sharp edged weapon. It is also pointed out that applicant No. 1 Chetan and one Mali caught hold of the informant and thus, they facilitated the others to cause assault on him.

5. Perusal of the record indicates that two reports were lodged in respect of the same incident i.e. one by present informant Gopal and another by Yogesh. In the said report lodged by Yogesh, presence of applicant no. 1 Chetan is not seen. This supports the

contention of applicant No. 1 about he being falsely implicated in the crime as he is the member of Panchayat Samiti. As far as other applicants are concerned, there are no specific allegations against them of causing assault on the informant with any other weapon. Perusal of the injury certificate indicates that the informant sustained injuries which were caused by sharp edged weapon. However, the said injuries cannot be attributed to the present applicants. Having regard to this fact, liberty of the applicants deserve to be protected. Hence, the following order :-

ORDER

- (i) Application is allowed.
- (ii) Interim relief granted in favour of applicants No. 1 to 4 is made absolute.
- (ii) In the event of arrest of applicant No. 5 Kapil s/o Suresh Kumbhar @ Prem Kumbhar in connection with Crime No. 136/2023, registered with Songir Police Station, Tq. Songir, Dist. Dhule, for the offences punishable under Sections 326, 324, 323, 143, 147, 148, 149, 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 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