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IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

ANTICIPATORY BAIL APPLICATION NO.1660 OF 2022

Tushar Ashokrao Sonkamble

APPLICANT

VERSUS

The State of Maharashtra and Another

RESPONDENTS

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Mr. Ravindra B. Ade, Advocate for the applicant

Mrs. R. P. Gour, APP for respondent - State

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[CORAM : NITIN B. SURYAWANSHI, J.]

DATE : 3rd JANUARY, 2023

ORDER :

1. The applicant apprehends his arrest in Crime No. 432 of 2022 registered with Nanalpeth Police Station, Parbhani for offence punishable under sections 353, 332, 324, 323, 504, 506 read with 34 of the Indian Penal Code.

2. The FIR is lodged by Nanasaheb Vasantrao Kadam, ST driver, alleging that on 26th October, 2022, while he was driving Shivshahi Bus from Parbhani to Pathari, since bus driver coming from opposite side gave indication, he took the bus on left side and stopped it, that time accused persons assaulted him. The present applicant came there on being called by accused No.1

and disclosed his name and assaulted the informant with slaps and kick blows.

3. Heard learned advocate for the applicant and learned Additional Public Prosecutor for the State. Perused the papers of investigation.

4. Learned Additional Public Prosecutor opposed the application stating that three offences are registered against the applicant and he has committed a serious offence of assaulting on duty public servant.

5. Injury certificate shows blunt trauma on various parts of the body of the informant. Assault with paver block is attributed to accused No.1. Two co-accused were arrested and are released on regular bail.

6. The applicant is acquitted in offence registered at Crime No. 48 of 2016 with Nanalpeth Police Station, Parbhani for offence punishable under section 341, 323, 34 of the Indian Penal Code. The two other offences, i.e. Crime No. 346 of 2021 and 494 of 2020 are registered under section 65 (E) of the Maharashtra Police Act.

7. The applicant was granted interim protection and he has

attended the police station and co-operated in the investigation. Nothing is to be recovered from the applicant. In these facts, pre-trial custodial detention of the applicant is not warranted. The application is, therefore, allowed by confirming the interim order. Till filing of the charge sheet, the applicant shall attend the concerned police station as and when called by the Investigating Officer. The applicant shall not tamper prosecution evidence.

[NITIN B. SURYAWANSHI]
JUDGE