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IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

ANTICIPATORY BAIL APPLICATION NO.1753 OF 2022

Sachin Babasaheb Dahiphale

APPLICANT

VERSUS

The State of Maharashtra and Another

RESPONDENTS

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Mr. Abhijit S. More, Advocate for the applicant

Mr. A. A. Jagatkar, APP for respondent - State

Mr. Sandip R. Andhale, Advocate for the informant

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[CORAM : NITIN B. SURYAWANSHI, J.]

DATE : 28th FEBRUARY, 2023

ORDER :

1. Applicant apprehends arrest in Crime No. 966 of 2022 registered with Tophkhana Police Station, Ahmednagar for offence punishable under sections, 394, 326, 143, 147, 149, 323, 504 and 506 of the Indian Penal Code.
2. Advocate Gorakshnath Vikram Tandale, lodged FIR alleging that the applicant is having dispute with his wife, which is pending in Family Court at Ahmednagar and he is engaged by the applicant to represent him in the said matter. In the month of August, 2022, the applicant came to make inquiry about his

case, there he met informant's advocate wife and disclosed to her that the informant is a useless person and is having affair with other lady and he will send proof of the same through informant's friend Shekhar Mule. On that informant's wife Vrushali told the applicant to give the proof. After few days thereafter, a clip of the conversation between the applicant and Shekhar Mule was forwarded on the mobile of wife of the informant. Due to the same, the informant had dispute with his wife. Informant called the applicant and Shekhar Mule on cell phone and asked them as why they are creating problems in his married life. On this count, there was dispute between the applicant, informant and Shekhar Mule. The applicant, at that time, assured that after he comes on vacation, he will remove the misunderstanding. Thereafter, on 3rd November, 2022, as case of the applicant was listed on board, therefore, he came to the Court and told the informant to bring his wife Vrushali and Shekhar Mule to his house and he will settle the dispute. Thereafter, on the same day, at about 2.00 p.m., there was again verbal altercation between the informant and the applicant. Thereafter, at 8.30 p.m. on the same day, the applicant called the informant and asked him to come along with Shekhar Mule to his house. Accordingly, the informant went to the residence of

the applicant along with Shekhar Mule. There the applicant and his cousin Narayan Shakade assaulted the informant with iron rods and fractured his wrist of left hand. There were 5 to 6 unknown persons present there along with the applicant and Narayan and they all abused and assaulted the informant with fists and kick blows. Thereafter, the informant was made to sit on his own bike and he was taken to cottage corner. There also he was assaulted and his cell phone was snatched and threats were given that if again the informant indulges in quarrel with the applicant, he and his wife will be cut by sword. All the accused persons again came to the informant and took him to Hotel Prem Sagar, where they had cold drink and then all of them went to Hotel Pooja Palace. At that time the informant told the owner of Pooja Palace Hotel that he is brutally assaulted by the applicant and his colleagues and requested the owner to save him. The owner of the Hotel Pooja Palace, therefore, took him to police station and the police sent him to Civil Hospital after giving memo.

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

4. Learned Additional Public Prosecutor and the learned advocate for the informant have stated that the applicant has not given his present address and details of posting to the investigating officer.

5. Admittedly, the alleged incident has taken place in front of the house of the applicant. In the FIR, assault by iron rod is attributed to the applicant and his cousin Narayan. Injury certificate reflects one fracture injury on the left hand wrist of the informant. Narayan was arrested and iron rod and motorcycle used in the crime is recovered from him. Cell phone of the informant is produced by Narayan Shekade in the Trial Court. Narayan is released on regular bail.

6. There is video recording of some part of the incident and its transcript is produced in the police papers. It is seen from the transcript that the informant was abusing the applicant and others in filthy language and was threatening them.

7. The applicant lodged FIR about the same incident against the informant and Shekhar Mule on 4th November, 2022, which is registered at Crime No. 960 of 2022 with the same police station for offence punishable under sections 452, 323, 504, 506, 427

read with 34 of the Indian Penal Code.

8. The applicant is serving in Indian Army and is presently posted at Pune. Investigation in the present crime appears to be on the verge of completion. The applicant was granted interim protection and he has co-operated in the investigation. Nothing is to be recovered from the applicant.

9. In view of aforesaid facts, following order is passed.

ORDER

- A. The application is allowed.
- B. In the event of arrest of the applicant in Crime No. 966 of 2022 registered with Tophkhana Police Station, Ahmednagar for offence punishable under sections, 394, 326, 143, 147, 149, 323, 504 and 506 of the Indian Penal Code, the applicant be released on executing Personal Bond of Rs.15,000/- with one surety in the like amount.
- C. The applicant shall furnish details of his present posting and residential address to the investigating officer.

- D. Till filing of the charge sheet, the applicant shall attend the concerned police station as and when called by the Investigating Officer.
- E. The applicant shall not indulge in similar offence.
- F. The applicant shall not tamper prosecution evidence.

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[NITIN B. SURYAWANSHI]
JUDGE