



IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

944 BAIL APPLICATION NO. 2148 OF 2023

VISHAL MADHUKAR RATHOD

....Applicant

VERSUS

THE STATE OF MAHARASHTRA

.....Respondent

.....
Advocate for Applicant : Mr. A.D. Khot
APP for Respondents/State : Mr.A.S. Shinde
.....

CORAM : S.G. CHAPALGAONKAR, J.

DATE : 13.12.2023.

PER COURT :

1. The applicant seeks regular bail in connection with Crime No. 204 of 2023 registered with Himayatnagar police station, District Nanded for the offences punishable under sections 307, 452, 327, 354, 143, 147, 148, 149, 427, 504 and 506 of the Indian Penal Code.

2. Investigation was set in motion on the basis of the information given by one Ashvini w/o Ambadas Adde. She alleges that her mother-in-law Savitribai is Sarpanch of

Balirampur Tanda. About 15 to 20 days prior to filing of the report, her father-in-law had quarrel with the accused Sujit and Vishal on account of installation of light polls in the village. Accordingly an offence has been registered with Police Station. It is further alleged that in afternoon of 07.10.2023 accused persons arrived at her home, they threatened to kill her mother-in-law and hurled abuses. The applicant/accused Vishal Rathod assaulted by iron rod on the head of her mother-in-law. She suffered multiple injuries. It is further alleged that the accused Sujit hit on informant's nose thereby causing bleeding injury. Further accused persons snatched cash and gold ornaments and fled away. On the basis of aforesaid information crime No. 204 of 2023 came to be registered with Police Station Himayatnagar against the applicant and other accused.

3. The learned Advocate appearing for the applicant submits that applicant has been falsely impleaded in the aforesaid crime on account of village politics. By inviting attention of this Court to the complaint dated 18.09.2023 lodged by the applicant against the informant and her family members. Learned Advocate for the applicant would submit that present complaint is filed as counter blast with over

implications. He would pointed out that this Court granted pre arrest protection to the first accused Sujit Rathod vide order dated 12.11.2023 in Anticipatory Bail Application No. 1837 of 2023. He would therefore submit that the applicant be enlarged on bail.

4. The learned APP for respondent-State strongly opposed the prayer for grant of bail. He would submit that the allegations in the complaint are concur by medical evidence. The injured Savitribai suffered 4 injuries which are attributable to the act of the applicant.

5. Having considered the submissions advanced it is apparent that the present applicant had filed a complaint against the informant and her family members and on account of which offence came to be registered on 18.09.2023. The mother-in-law of the informant/Savitribai is one of the accused. The medical evidence on record shows that Savitribai has suffered injuries, however, all the injuries are simple in nature. This Court observed in Anticipatory Bail Application No. 1837 of 2023 that inconsistency is seen in the statements of informant and her mother-in-law recorded under Section 164 of the Code

of Criminal Procedure and further observed that there is possibility of over implication. Considering the medical evidence and the allegations in the F.I.R., over implication can apparently observed. The applicant has been arrested on 25.10.2023. He was remanded to police custody. The major part of the investigation is over. Considering the nature of the allegations and the injuries suffered by Savitribai. Prima-facie it is difficult to hold that Section 307 of the I.P.C. would attract against the applicant in the facts of this case. The learned A.P.P. confirms that there are no criminal antecedents. Hence a case is made out for grant of bail. Hence the following order :

O R D E R

- i. Bail Application is hereby allowed.
- ii. The applicant – Vishal Madhukar Rathod be released on bail in connection with Crime No. 204 of 2023 registered with Himayatnagar police station, District Nanded for the offences punishable under sections 307, 452, 327, 354, 143, 147, 148, 149, 427, 504 and 506 of the Indian Penal Code on his furnishing P.B. & S.B. of Rs.50,000/- (Rs. Fifty Thousand), on the following conditions :-
 - a] The applicant shall not tamper the prosecution evidence.

b] The applicant shall attend the concerned police station on every Saturday between 10.00 a.m. to 2.00 p.m. till filing of the charge sheet.

iii. Bail application is accordingly disposed off.

(S.G. CHAPALGAONKAR)
JUDGE

mahajansb/