

SA Pathan

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

ANTICIPATORY BAIL APPLICATION NO. 1830 OF 2023

Vishnu Gorakh Jadhav & Ors.	... Applicants
V/s.	
The State of Maharashtra	... Respondent

Mr. Bhushan U. Deshmukh, for the Applicants.

Mrs. Rutuja Ambekar, APP for the State-Respondent.

CORAM : AMIT BORKAR, J.

DATED : JULY 3, 2023

PC.:

1. Apprehending arrest in connection with C.R.No.251 of 2023 registered with Chandwad police station for the offences punishable under Sections 326, 323, 324, 143, 147, 148, 149, 504 and 506 of the Indian Penal Code, 1860 (for short 'IPC'), applicants are seeking relief of pre-arrest bail under Section 438 of the Code of Criminal Procedure, 1973 (for short 'Cr.P.C.').

2. According to prosecution, on 25 May 2023 Kiran Vishnu Jadhav had stopped his tractor near informant's house obstructing way of informant. The said act resulted in scuffle between Kiran and informant. At that time, Kiran on telephonic called his family members. The applicant along with other co-accused arrived at spot by carrying wooden sticks and iron rod. The applicant No.5 gave blow of axe on the head and neck of informant. Rest of applicants assaulted the informant by wooden stick. The applicant No.4 assaulted informant's father by iron rod.

3. Applicants, therefore, filed application under Section 438 of Cr.P.C. before learned Sessions Judge which came to be rejected by order dated 20 June 2023. Aggrieved thereby, the applicants have filed pre-arrest bail application.

4. On perusal of material on record including medico legal certificates dated 26 May 2023 and 16 June 2023, it appears that the informant suffered grievous injuries due to the assault of applicant No.5 by axe.

5. Considering overall nature of assault by applicant No.5, applicant No.5, Chetan Popat Jadhav is not entitled to relief under Section 438. Hence, custodial interrogation of the applicant No.5 is required. In so far as applicant No.4, Ravindra Popat Jadhav is concerned, he assaulted informant's father by iron rod resulting in simple injury. Other applicants assaulted the informant by wooden stick resulting in abrasion. Therefore, except applicant No.5 remaining applicants are entitled to relief under Section 438 of Cr.P.C. Hence, following order:

a) In the event of arrest of applicant Nos.1 to 4 in connection with C.R. No.251 of 2023 registered with Chandwad police station for the offences punishable under Sections 326, 323, 324, 143, 147, 148, 149, 504 and 506 of IPC, they be released on bail on furnishing P.R. bond of Rs.25,000/-, along with one or two sureties in the like amount.

b) They shall remain present before the concerned police station on 5th, 7th and 10th July 2023 between 11:00 am to

2:00 pm thereafter, as and when called by the investigating officer.

c) They shall not directly or indirectly make any inducement, threat or promise to any witness acquainted with the facts of the case so as to dissuade him from disclosing such facts to the court or to any police officer.

d) They shall not obstruct or hamper the police investigation and not to play mischief with the evidence collected or yet to be collected by the police.

e) They shall, at the time of execution of the bond, furnish their address and mobile number to the investigating officer, and the Court concerned, and shall not change the residence till the final disposal of the case.

6. Application of applicant No.5, Chetan Popat Jadhav is, therefore, rejected.

(AMIT BORKAR, J.)