



Sayali Upasani

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

ANTICIPATORY BAIL APPLICATION NO. 2429 OF 2023

Ramling Limba Bhalekar	...Applicant
Versus	
The State of Maharashtra	...Respondent

ANTICIPATORY BAIL APPLICATION NO. 2432 OF 2023

Nanda Ramling Bhalekar	...Applicant
Versus	
The State of Maharashtra	...Respondent

Mr. Yogesh Birajdar i/b Mr. Nagraj Sudam Shinde, for Applicant.

Mr. M. G. Patil, APP for State.

Mr. Shivaji S. Jaypatne, Pangri Police Station, Present.

CORAM:- N. J. JAMADAR, J.

DATED:- 29th AUGUST, 2023

ORDER:-

- 1) Heard the learned counsel for the applicants and the learned APP for the State.
- 2) These applications are for pre-arrest bail in connection with C.R. No. 134 of 2023, registered with Pangri police station,

Solapur, for the offences punishable under Sections 307, 324, 504 and 506 read with Section 34 of Indian Penal Code, 1860.

3) The first informant lodged a report with the allegations that there have been disputes over the boundaries of the agricultural land with Ramling, the applicant in ABA No. 2429 of 2023, the adjacent Landholder. Nanda Bhalekar, the applicant in ABA No. 2432 of 2023, is the wife of Ramling. The first informant alleged that on 1st July, 2023 at about 4.00 pm, while he was in his field, the applicant came thereat and accosted him. When the first informant remonstrated, the applicant Ramling assaulted him by means of iron rod on the back, chest, hands and legs. The co-accused Samadhan assaulted him by means of stone. Applicant Nanda threw diesel on his person and attempted to set him on fire. When he raised alarm, his father and uncle Sudam Mali came thereat. Thereupon the applicant and co-accused fled away.

4) The learned Counsel for the applicant submitted that in respect of the very same occurrence, the applicant Nanda had lodged a report for the offences punishable under Sections 307, 327, 354, 324 and 506 read with Section 34 of the Indian Penal Code, prior in point of time, and the said report was registered at

CR No. 133 of 2023. To give a counterblast, the applicants have been falsely roped in.

5) The learned APP submitted that the iron rod with which the applicant Ramling assaulted the first informant Bapurao Mali is yet to be recovered and the custodial interrogation is warranted for the same.

6) I have perused the injury certificate of Bapurao, the first informant. The first informant has evidently sustained simple injuries. It does not prima facie appear that the first informant has sustained injuries on the back and chest allegedly unleashed by the applicant- Ramling.

7) In the aforesaid view of the matter and especially in the backdrop of the fact that there are two versions in respect of one and the same incident, custodial interrogation of the applicant does not seem to be warranted to facilitate further investigation. The concern of the prosecution can be addressed by directing the applicant to attend the police station to facilitate further investigation.

8) In view of the pronouncement of the Hon'ble Supreme Court in the case of **Sushila Aggarwal and Others Vs. State (NCT Of Delhi) and Others**¹, such presence can be considered custody

1 (2020) 5 SCC 1

for the purpose of Section 27 of the Indian Evidence Act, 1872. I am, thus, inclined to allow the applications.

9) Hence, the following order:-

ORDER

- I) The applications stand allowed.
- II) In the event of the arrest of the applicants in connection with C.R. No. 134 of 2023, registered with Pangri police station, Solapur, for the offences punishable under Sections 307, 324, 504 and 506 read with Section 34 of Indian Penal Code, 1860, the applicants be released on bail on executing a PR Bond in the sum of Rs.30,000/- each with one or two sureties in the like amount.
- III) The applicants shall co-operate with the investigation and attend Pangri Police Station, Solapur on every Sunday in between 10.00 am to 12.00 noon for a period of one month.
- IV) The applicants shall not tamper with the prosecution evidence and/or give threat or inducement to the first informant and any of the persons acquainted with the facts of the case.

V) It is clarified that these prima facie observations are confined to determine the prayer for entitlement for pre-arrest bail only.

VI) The applications stand disposed.

[N. J. JAMADAR, J.]