



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

CRIMINAL APPLICATION (ABA) NO.415 OF 2023

Balkrushna Bhanudas Dandale and others Vs. State of Maharashtra

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's Orders.

Court's or Judge's orders.

Shri U.J. Deshpande, Advocate for applicants.
Shri A.M. Kadukar, APP for non-applicant/State.

CORAM : URMILA JOSHI-PHALKE, J.
DATE : JULY 18, 2023.

The present application is filed for grant of anticipatory bail in the event of arrest in connection with Crime No.343/2023 registered at Police Station, Balapur, District Akola for the offences punishable under Sections 326, 143, 147, 148, 149, 504 and 506 of the Indian Penal Code.

2. The applicants are apprehending arrest at the hands of the police as crime is registered on the basis of report lodged by one Pravin Gonvinda More on an allegation that on 28.05.2023 father of the applicant had been to his agricultural field to do the agricultural work before rainy season. The informant was at home. On 28.05.2023 at about 3.00 pm, the informant received phone call of Sopan Dandale, who informed him that the present applicants have assaulted his father by means of iron pipe and sticks. While he rushing towards the agricultural field he noticed that his father is returned to home on motorcycle alongwith two

persons and his father has sustained injuries on both legs. Thereafter, he went in the agricultural field and communicated with the present applicants. At the relevant time, all the applicants have assaulted him also by means of one iron pipe and sticks. On the basis of said report, the police have registered the crime against the present applicants.

3. As per contention of the present applicants, infact, the applicant Gajanan Dandale was assaulted by Govinda More i.e. the father of the informant. Therefore, Sharda Shridhar Dandale has lodged the report at Balapur Police Station vide Crime No.341/2023. To give the counter blast to the said complaint this false report is lodged. Infact, general allegations are made against all the applicants. No specific role is attributed against any of the applicants. As far as the injuries sustained by the injured is concerned, he is now discharged from the hospital. The applicants are ready to cooperate in the investigation. As far as production of the incriminating weapons are concerned, the applicants are ready to produce the same. Hence, they be protected by granting anticipatory bail.

4. The said application is strongly opposed by the State on the ground that the injured has sustained the grievous injuries like fracture. The statement of the injured, which is recorded by the investigating officer, shows that all the applicants accused nos.1 to 4 have assaulted him by means

of iron pipe and stick. Due to which, he has sustained the grievous injuries like fracture injury. Considering the nature of injuries and the weapons used, the custodial interrogation of the applicants is required and hence the application deserves to be rejected.

5. Heard learned counsel for the applicant Shri U.J. Deshpande. He reiterated the contentions and submitted that as far as recovery of the weapons is concerned, the applicants are ready to cooperate with the investigating agency. Now injured is discharged from the hospital. The cross-complaint is lodged by Sharda Dandale and to give the counter blast to the said complaint, the informant lodged this false report. The custodial interrogation of the present applicants is not required.

6. *Per contra*, learned APP Shri A.M. Kadukar vehemently submitted that the applicants have used the weapons like iron rod and stick, which are yet to be recovered. Therefore, custody of the present applicants is required for the recovery of the said articles. Interrogation with the present applicants needs to be carried out. Hence, the application deserves to be rejected.

7. Having heard both the sides and on perusal of the investigation papers, it reveals that the incident took place between the two groups due to the dispute on the

agricultural land. Cross-complaints have been lodged against each other, which shows that the incident of assault on each other has occurred. As far as the recitals of the FIR are concerned, general allegation is made against the applicants that they have assaulted the injured by means of iron pipe and stick. The statement of the injured is recorded who narrated that applicant nos.1 to 4 have assaulted him by means of iron pipe and stick. It further reveals from the investigation papers that in the said incident the applicant no.2 – Gajanan has also sustained the injuries. Thus, it is apparent that persons from both the sides have sustained the injuries in the said incident. Now injured Govind Ramchandra More is discharged from the hospital, who has sustained the fracture injury. As far as the recovery of the articles is concerned, the conditions can be imposed by directing the present applicants to produce the articles before the investigating officer and the said period will be considered as their custody for the purpose the provisions of Section 27 of the Indian Evidence Act. As far as the interrogation is concerned, the applicants can be directed to attend the police station. Therefore, physical custody of the present applicant is not required. Accordingly, I proceed to pass the following order:

ORDER

- i. The application is allowed.

ii. In the event of arrest in Crime No.343/2023 registered at Police Station, Balapur, District Akola for the offences punishable under Sections 326, 143, 147, 148, 149, 504 and 506 of the Indian Penal Code, applicants – (1) Balkrushna Bhanudas Dandale, (2) Gajanan Bhanudas Dandale, (3) Uddhav Shridhar Dandale and (4) Ravi Balkrushna Dandale be released on bail furnishing P.R. Bond in the sum of ₹25,000/- each with one surety in the like amount.

iii. The applicants shall attend concerned Police Station on every Monday between 10.00 am to 1.00 pm and shall cooperate in the investigation, till investigation is completed.

iv. The applicants shall produce the alleged weapons i.e. iron pipe and stick and the said period shall be considered as their custody for the purpose of Section 27 of the Indian Evidence Act.

v. The applicants shall furnish their cell phone number and address with address proof.

vi. The applicants shall not threat or promise any witnesses, who are connected with the alleged crime.

With this, the application is disposed of.

JUDGE

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