



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

52 ANTICIPATORY BAIL APPLICATION NO. 447 OF 2024

SADASHIV DAGDUBA MOTE

VERSUS

THE STATE OF MAHARASHTRA AND ANOTHER

...

Advocate for Applicant : Mr. Naik Sarvesh Jaipal

APP for Respondent/State : Mr.P.K. Lakhotiya

...

CORAM : **SHIVKUMAR DIGE, J.**

DATE : 29th July, 2024.

P.C.:

1. The applicant apprehends arrest in connection with F.I.R. No.28 of 2024 registered with Police Station, Wadwani, Dist. Beed, for the offences punishable under sections 307, 279, 337, 338, 323, 504, 506 read with 34 of the Indian Penal Code (For short, "IPC").

2. It is the prosecution's case that on 10th February, 2024, when the informant's wife and children had gone to their field for cutting the crops, in the afternoon at around 4:30 p.m., informant went to his field. It is alleged that at that time, the applicant came near the informant and on the ground of old dispute he manhandled the informant. At that time, the co-accused came there. It is alleged that co-accused Shankar Mote tried to kill the informant by running over the motorcycle on him. It is alleged that co-accused Shankar told the applicant that bring the petrol put up in plastic bottle which was hanged with the motorcycle and set ablaze the informant. It is alleged that the applicant took the plastic petrol bottle and poured the petrol on the informant and

he was trying to set him on fire. At that time, son of informant snatched the match box from the hands of applicant. Thereafter informant lodged the complaint against the applicant and co-accused.

3. It is the contention of the learned counsel for the applicant that the counter case is filed by the applicant against the informant and his family members. The applicant has been falsely implicated in this case. No plastic petrol bottle is recovered from the incident spot when the police visited the incident spot. Considering these aspects, the custodial interrogation of the applicant is not required, hence requested to allow the application.

4. It is the contention of the learned APP that the applicant and co-accused tried to kill the informant by pouring the petrol on the informant and tried to set him on fire. Considering the allegations against the applicant, his custodial interrogation is required, hence requested to reject the application.

5. I have heard both the learned counsel. Perused the F.I.R. and police papers produced on record.

6. There are cross complaints filed against each other by the applicant and complainant. The allegations against the applicant are that the applicant tried to pour the petrol on informant and set informant on fire. No plastic bottle in which alleged petrol was kept found on the spot when the police visited the incident spot. Considering the allegations against the applicant, custodial

interrogation of the applicant is not required and I pass the following order :-

ORDER

- (i) The application is allowed.
- (ii) In the event of arrest of the applicant in connection with F.I.R. No.28 of 2024 registered with Police Station, Wadwani, Dist. Beed, for the offences punishable under sections 307, 279, 337, 338, 323, 504, 506 read with 34 of the Indian Penal Code, the applicant be released on executing personal bond in the sum of Rs.15,000/- with one surety of the like amount, on the following conditions :-
 - (a) the applicant shall attend the concerned police station as and when required by the Investigating Officer.

[SHIVKUMAR DIGE, J.]

sga