



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

950 ANTICIPATORY BAIL APPLICATION NO. 459 OF 2024

Natha Dadabhau Wakhare

VERSUS

The State of Maharashtra and another

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Advocate for Applicant : Mr. D. R. Kale with Mr. Y.H. Lagad

APP for Respondents: Mr. C.V. Bhadane

Advocate for assist to A.P.P. : Mr. A.s. More

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CORAM : SHIVKUMAR DIGE, J.

DATED : 10th JULY, 2024.

PER COURT :-

1. The applicant apprehends arrest in connection with Crime No.59 of 2024, registered with Belwandi Police Station, District-Ahmednagar for offences punishable under sections 143, 147, 148, 447, 354, 427, 323, 324, 336, 504 and 506 of the Indian Penal Code.

2. It is the prosecution's case that on 14.2.2024 at about 8.30 a.m. the informant was working in her field, at that time, the applicant and co-accused were passing from her field. The informant asked them why they are going from her field. At that time, co-accused Bablu outraged the modesty of the informant. The applicant and other co-accused abused the informant and assaulted her with fist and kick blows. By hearing the commotion, the husband and father in law of the informant came there. At that time, co-accused Bablu made phone call and called co-accused Bhausahab Wakhare and Popat. It is alleged that the

applicant abused the husband of the informant and pushed him on ground. He sat on his body and assaulted with stone on head and other co-accused assaulted her husband with stone.

3. It is the contention of the learned counsel for the applicant that the applicant has been falsely implicated in this case. Investigation is completed. The police have recorded the statements of witnesses. In the F.I.R. it is alleged that the applicant has assaulted the husband of the informant and one other person Hanumant. In the statement given before the police, the husband of the informant has stated that he has been assaulted by co-accused Bhausahab Wakhare by iron rod. There are no allegations against the applicant, as alleged in the F.I.R. Learned counsel further submitted that injuries sustained to the Hanumant are simple in nature. The police have already seized the iron rod and stone. Considering the allegations against the applicant, his custodial interrogation is not required. Hence he requested to allow the application.

4. It is the contention of the learned APP assisted by Mr. More, learned counsel, that the applicant and co-accused assaulted the first informant, her husband and father in law. The injury certificate of the injured witness Ashok, who is husband of the informant, shows that he had sustained grievous injury. The role of the applicant was crucial in the said assault. The custodial interrogation is required. Hence he

requested to reject the application.

5. I have heard all the learned counsel. Perused the F.I.R. and the police papers produced on record. It is alleged that the applicant assaulted the husband of the informant. He pushed him on the ground and sat on his body and assaulted on his head with stone. The police have recorded the statement of Ashok, the husband of the informant. In the said statement, he has stated that the applicant pushed him down, set on his body and instigated co-accused Bhausahab Wakhare to assault him. As per the statement of this witness, he has been assaulted by co-accused Bhausahab and not by the applicant. It is alleged that the applicant has assaulted the witnesses Hanumant. The injury certificate of Hanumant shows that he had suffered simple injuries. Considering this aspect, the custodial interrogation of the applicants is not required. Hence I pass the following order :-

ORDER

- (i) The application is allowed.
- (ii) The interim anticipatory bail granted to the applicant vide order dated 20.03.2024 stands confirmed on the same terms and conditions.

(SHIVKUMAR DIGE, J.)

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