



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

967 ANTICIPATORY BAIL APPLICATION NO. 1042 OF 2024

SANDIP KADUBA @ KADUBAL BAMDALE

VERSUS

THE STATE OF MAHARASHTRA AND ANOTHER

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Advocate for Applicant : Mr. N. B. Narwade, h/f Mr. P. H. Sukale.

APP for Respondent/State : Mr. P. S. Patil.

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CORAM : **SHIVKUMAR DIGE, J.**

DATE : 07th August, 2024.

P.C.:

. The applicant apprehends arrest in connection with FIR No.0252 of 2024, registered with Shevgaon Police Station, Dist.Ahmednagar, for the offences punishable under sections 143, 144, 146, 147, 149, 307, 326, 427, 504 and 506 of the Indian Penal Code (For short, "IPC").

2 It is the case of prosecution that on 21st March, 2024, on the issue of recovery of damages caused on account of burning of sugarcane crop, the co-accused and the applicant formed an unlawful assembly and assaulted the first informant by means of iron bar, wooden logs, wooden plank, motorcycle shock-absorber etc, in which the first informant seriously injured. The applicant and co-accused assaulted the informant with an intention to kill him.

3 The learned counsel for applicant submits that the applicant has been falsely implicated in the crime due to political pressure. The incident had taken place on 21.03.2024 and the F.I.R. has been lodged on 23.03.2024. There is delay of two days in lodging the F.I.R. The applicant was not the member of unlawful assembly. The allegations against the applicant are that he assaulted the informant with wooden stick on his back. 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 that the applicant was the part and parcel of the unlawful assembly and he has assaulted the informant with an intention to kill him. There are injuries caused to the informant. The custodial interrogation of the applicant is required. Hence, he requested to reject the application.

5 I have heard both the learned counsel. Perused the FIR and police papers produced on record. The allegations against the applicant are that he assaulted the first informant with wooden stick on his back. The injury certificate of the informant does not show that he has sustained injury on his back. Considering the allegations against the applicant, his custodial interrogation is not required. Hence, I pass the following order:-

ORDER

- (i) The application is allowed.
- (ii) In the event of arrest of the applicant in connection with FIR No.0252 of 2024, registered with Shevgaon Police Station, Dist.Ahmednagar, for the offences punishable under sections 143, 144, 146, 147, 149, 307, 326, 427, 504 and 506 of the Indian Penal Code, he 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 and shall co-operate in the investigation.

[SHIVKUMAR DIGE, J.]

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