



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

969 ANTICIPATORY BAIL APPLICATION NO. 1099 OF 2024

VISHAL ARUN YASHOD
VERSUS
THE STATE OF MAHARASHTRA

...
Advocate for Applicant : Mr. Vijay Bhalerao Patil.
APP for Respondent/State : Mr. P. S. Patil.
Advocate for assist to PP : Mr. P. B. Patil (Borse).
...

CORAM : **SHIVKUMAR DIGE, J.**

DATE : 30th August, 2024.

P.C.:

. The applicant apprehends arrest in Crime No.136 of 2024, registered with Mehunbare Police Station, Taluka Chalisgaon, District Jalgaon, for the offences punishable under Sections 120-B, 141, 143, 147, 148, 149, 307, 323, 324, 504 and 506 of the Indian Penal Code and under Sections 37(1) and 37(3) of the Maharashtra Police Act.

2 It is prosecution's case that there was dispute between the informant and the applicant's family in respect of the land. It is alleged that on 25th April, 2024 around 11:40 am, when the applicant was present in one shop, at that time, the applicant and co-accused came there. They took the wooden log kept for sale out of the shop. It is alleged that co-accused Arun took out sickle from the said shop and co-accused Kalpana was possessing kitchen knife with her. It is

alleged that co-accused Arun gave blow of sickle on the head of the informant and on both the palms of hand, whereas co-accused Kalpana assaulted on the head of informant with wooden log. It is alleged that co-accused Ajay assaulted on the head of the informant with wooden log when he was lying on the ground. It is alleged that, thereafter, all the co-accused and the applicant assaulted the informant with wooden log on all parts of his body. The allegations against the applicant are that he assaulted the informant with wooden log.

3 It is the contention of the learned counsel for applicant that the applicant has been falsely implicated in this case. Accused Nos.1 to 3 have surrendered before the police. The main allegations are against accused Nos.1 to 3. The applicant is a student. 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 alongwith the learned counsel for assist to the prosecution that the applicant and the co-accused assaulted the informant with intention to kill him. The informant has sustained grievous injuries. The applicant was part of group, who assaulted the informant. The applicant assaulted the informant with wooden log. There is involvement of the applicant in the crime. Considering the allegations against the applicant, his custodial

interrogation is required. Hence, they requested to reject the application.

5 I have heard all the learned counsel. Perused the FIR and police papers produced on record. The allegations against the applicant are that he assaulted the informant with wooden log. From the FIR, it appears that accused Nos.1 to 3 assaulted the informant. When the informant was lying on the ground, at that time, the applicant assaulted him with wooden log. Accused Nos.1 to 3 have surrendered before the police and they are behind bar. The applicant is a student. Considering the allegations against the applicant, his custodial interrogation 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 Crime No.136 of 2024, registered with Mehunbare Police Station, Taluka Chalisgaon, District Jalgaon, for the offences punishable under Sections 120-B, 141, 143, 147, 148, 149, 307, 323, 324, 504 and 506 of the Indian Penal Code and under Sections 37(1) and 37(3) of the Maharashtra Police Act, he be released on bail on furnishing personal bond of Rs.20,000/- with surety of the like amount on following conditions:-
 - a) The applicant shall attend the concerned police station as and when required by the Investigating Officer.

- b) The applicant shall not indulge in similar activities again.
- c) The applicant shall not pressurize the prosecution witnesses, in any manner.

[SHIVKUMAR DIGE, J.]

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