



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

58 ANTICIPATORY BAIL APPLICATION NO. 1217 OF 2024

ASHOKRAO MAROTRAO KADAM

VERSUS

THE STATE OF MAHARASHTRA AND ANOTHER

...

Advocate for Applicant : Mr. Mahesh P. Kale

APP for Respondent/State : Mrs.D.S. Jape

Advocate for Assist to P.P. : Mr. R.R. Kale h/f Mr.R. J. Nirmal

...

CORAM : **SHIVKUMAR DIGE, J.**

DATE : 26th August, 2024.

P.C.:

1. The applicant apprehends arrest in connection with FIR No.0260 of 2024 registered with Hatta Police Station, Dist. Hingoli, for the offences punishable under sections 307, 324, 506 read with 34 of the Indian Penal Code (For short, "IPC").

2. It is prosecution's case that the informant's father had signed on one spot panchanama for the offence of outraging modesty. The brother of the applicant was accused in the said offence, hence they were angry on the informant. It is alleged that on 1st June, 2024 around 2:00 p.m. when the informant was working in his field, the applicant and co-accused abused informant's mother, wife and aunt. It is alleged that on 2nd June, 2024 around 9:00 p.m., informant asked the applicant, co-accused why they abused his mother, wife and aunt, at that time co-accused Trimbak caught hold the shirt of the informant and pushed him on ground and the applicant and other co-accused

assaulted the informant with fist and kick blows. It is alleged that at that time, the applicant had brought one big size iron rod and gave blow of it on his head. It is alleged that due to said blow blood was oozing from the injury of the informant and by seeing it, he became unconscious. Thereafter, other relatives rescued the informant from the clutches of the applicant and other co-accused.

3. It is contention of the learned counsel for the applicant that the applicant has been falsely implicated in this crime. The applicant was not present at the time of incident. Injuries suffered by the informant are simple in nature. Iron bar used in the crime has been seized by the police. Investigation is almost completed. Custodial interrogation of the applicant is not required and requested to allow the application.

4. It is contention of the learned APP along with learned counsel for assist to P.P. that the applicant has assaulted the informant with iron bar on his head with an intention to kill him. The applicant is influential person. If the applicant is released on bail, he may influence the prosecution witnesses and threaten the informant. Considering the allegations against the applicant, his custodial interrogation is required and 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. The allegations against the applicant are that he assaulted on back side of head of the informant with iron bar. The injury certificate of

the informant shows that he has suffered simple injuries. The iron bar used in the crime has been recovered by the police. Investigation is almost completed. Considering these facts, the 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 FIR No.0260 of 2024 registered with Hatta Police Station, Dist. Hingoli, for the offences punishable under sections 307, 324, 506 read with 34 of the Indian Penal Code, the applicant be released on executing personal bond in the sum of Rs.20,000/- 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.]