



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

990 ANTICIPATORY BAIL APPLICATION NO. 1104 OF 2024

HIRAMAN FAKIRA BAGUL

VERSUS

THE STATE OF MAHARASHTRA AND ANOTHER

...

Advocate for Applicants : Mr. Kulkarni Suniket Anil

APP for Respondent/State : Ms.R.R. Tandale

Advocate for Assist to P.P. : Mr. N.N. Desale

AND

CRIMINAL APPLICATION NO. 2993 OF 2024

IN ABA/1104/2024

HIRAMAN TRYMBAK BAGUL

VERSUS

HIRAMAN FAKIRA BAGUL AND OTHERS

...

Advocate for Applicant : Mr. Desale Nilesh N.

APP for Respondent/State : Ms.R.R. Tandale

...

CORAM : SHIVKUMAR DIGE, J.

DATE : 31st July, 2024.

P.C.:

1. For the reasons stated in Criminal Application No.2993 of 2024, the application is allowed.
2. In Anticipatory Bail Application No.1104 of 2024, the applicant apprehends arrest in connection with FIR No.108 of 2024 registered with Nizampur Police Station, Dist. Dhule, for the offences punishable under sections 307, 326, 354, 452, 324, 323 and 504 of the Indian Penal Code (For short, "IPC").
3. It is the prosecution's case that on 8th April, 2024 at about 10:00 a.m., co-accused Bapu and Gyanu threatened the informant's wife to kill her. They outraged her modesty and beaten her. Learning about it,

the informant and his son went towards their house. Co-accused Bapu and Gyanu along with co-accused Dhanraj and Pravin assaulted the informant and his son by iron rod and sticks. Due to the said assault, the informant and his son sustained head injuries and informant also sustained injuries to his leg. In the F.I.R. the name of the present applicant was not mentioned. In supplementary statement of the witnesses, it is stated that applicant assaulted the informant and his son with wooden stick.

4. It is contention of the learned counsel for the applicant that the applicant has been falsely implicated in this case. His name is not mentioned in the F.I.R. No allegations against the applicant are made in the F.I.R. The learned counsel further submitted that in the statements of the witnesses, the name of the applicant is taken after thought. In F.I.R. specific role is attributed to each of the co-accused. Considering the allegations against the applicant, his custodial interrogation is not required and requested to allow the application.

5. It is contention of the learned APP along with learned counsel for assist to P.P. that the applicant was part of group, who assaulted the informant and his son with iron rod and wooden sticks. Due to said assault, the informant and his son have sustained grievous injuries. The learned APP further submitted that though the name of the applicant is not mentioned in the F.I.R. on the next day of the incident, the statements of the injured witnesses have been recorded in which

they have specifically mentioned that the applicant assaulted the injured witnesses and the informant with wooden sticks. Considering the allegations against the applicant, his custodial interrogation is required and requested to reject the application.

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

7. In the F.I.R. no name of the applicant is mentioned. In the statement on the next day of the incident, the witness Yogesh has stated that he was assaulted by the applicant with stick. In supplementary statement of the informant he has stated that the applicant has assaulted him with wooden stick. In my view, the informant in F.I.R. has stated the specific role of each co-accused except the applicant. His name is mentioned in the supplementary statement. Considering the allegations against the applicant, his custodial interrogation is not necessary 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.108 of 2024 registered with Nizampur Police Station, Dist. Dhule, for the offences punishable under sections 307, 326, 354, 452, 324, 323 and 504 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.]

sga