



**IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD
ANTICIPATORY BAIL APPLICATION NO. 2155 OF 2023
YOGRAJSING KUNDANSING PARDESHI
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS**

....

Mr. Nilesh S. Ghanekar, Advocate for the Applicant
Mr. V. M. Jaware, APP for Respondent Nos. 1 and 2
Ms Sayali Tekale, Advocate for Respondent No.3 (Appointed)

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CORAM : Y. G. KHOBRAGADE, J.

DATE : 11.11.2024

PER COURT :-

1. Heard Mr. Ghanekar, the learned Advocate for the Applicant, the learned APP for Respondent Nos. 1 and 2 and Ms Tekale, the learned Advocate for Respondent No.3.

2. By the present Application under Section 438 of the Code of Criminal Procedure, the Applicant prayed for pre-arrest bail in Crime No.1011 of 2023, registered with Sangamner City Police Station, District Ahmednagar, for the offence punishable under Sections 326, 324, 323, 504, 506 read with Section 34 of the Indian Penal Code.

3. On face of record, it appears that on 04.05.2023, the learned J.M.F.C. Court No.3, Sangamner, passed the order under Section 156(3) of the Code of Criminal Procedure and directed to register the F.I.R. against the present Applicant, on which basis, F.I.R. No.1011 of 2023, came to be registered.

4. The Respondent No.3 / complainant alleged that on 25.03.2022, his son Vishal was admitted in Medcover Hospital, Sangamner, with unspecified fracture of lower end of left tibia and on the basis of information received from the insurer, the informant / father of the injured, had lodged a report, but no cognizance was taken. Therefore, the complainant filed an application under Section 156(3) of the Code of Criminal Procedure, before the J.M.F.C. On 04.05.2023, the learned J.M.F.C. passed the order and directed investigation under Section 156(3) of the Code of Criminal Procedure. Thereafter, Crime No.1011 of 2023 came to be registered against the present accused for the offence punishable under Sections 326, 324, 323, 504, 506 read with Section 34 of the Indian Penal Code.

5. Needless to say that on 04.01.2024, this Court passed an order and enlarged the Applicant / accused on pre-arrest bail on

furnishing P.B. and S.B. of Rs.15,000/- with one surety in the like amount. So also, the Applicant shall attend the concerned police station from 08.01.2024 to 10.01.2024, everyday between 10.00 a.m. to 12.00 p.m.

6. During pendency of the present Application, the Investigating Officer, conducted thorough investigation and filed a charge-sheet before the competent Court. Therefore, to my mind, the custodial interrogation of the Applicant / accused, need not be required.

7. In view of the above discussion, I am inclined to grant the present Application and the interim order dated 04.01.2024 passed by this Court shall in force till conclusion of the trial.

8. Accordingly, the present Application is disposed of.

9. Fees of Ms Sayali Tekale, the learned Advocate (Appointed) for Respondent No.3 is quantified at Rs.5,000/-.

[Y. G. KHOBRADE, J.]

SMS