



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

979 ANTICIPATORY BAIL APPLICATION NO. 1227 OF 2024

SAMADHAN AMBADAS BARATE

VERSUS

THE STATE OF MAHARASHTRA AND ANOTHER

...

Advocate for Applicant : Ms. Divya P. Khandelwal h/f Mr. Thombre S.S.

APP for Respondent/State : Mr. S.B. Narwade

Advocate for assist to P.P. : Mr. S. G. Kawade

...

CORAM : **SHIVKUMAR DIGE, J.**

DATE : 25th September, 2024.

P.C.:

1. The applicant apprehends arrest in connection with FIR No.0142 of 2024 registered with Police Station, Bhoom, Tq.Bhoom, Dist.Dharashiv, for the offences punishable under sections 307, 326, 324, 323, 504, 506, 143, 147, 148 and 149 of the Indian Penal Code (For short, "IPC").

2. It is prosecution's case that on 18th June, 2024, at about 10:45 a.m., the informant was cultivating in his land, at that time, co-accused Sourabh Barate came there and told the informant not to cultivate and he abused the informant. When the informant told him not to abuse, at that time, he slapped the informant. At the relevant time, the applicant and co-accused came there. It is alleged that the applicant was holding the stick and sickle in his hand. It is alleged that the applicant and co-accused assaulted the informant with an intention to kill him. While assaulting, the applicant was stating that not to spare the life of the

informant. It is alleged that the applicant called his friend Aditya. When he was there co-accused assaulted Sourabh with an intention to kill him.

3. It is the contention of the learned counsel for the applicant that the applicant has been falsely implicated in this case. The allegations against the applicant are that he was holding the stick and sickle in his hand. He was present at the incident spot. There are no allegations against the applicant that he assaulted the informant and his friend. Considering the allegations against the applicant, the custodial interrogation of the applicant is not required and requested to allow the application.

4. It is the contention of the learned APP and the learned counsel for assisting the P.P. that the applicants and co-accused assaulted the informant and his friend with wooden stick, sickle and stones with an intention to kill the informant. The applicant was holding the stick and sickle in his hand. 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 was holding the wooden stick and sickle in his hand at the time of incident. There are no allegations against the applicant that he assaulted the informant or

his friend. Considering these facts, the custodial interrogation of the applicant is not required and I pass following order :-

ORDER

- (i) The application is allowed.
- (ii) In the event of arrest of the applicant in connection with FIR No.0142 of 2024 registered with Police Station, Bhoom, Tq.Bhoom, Dist.Dharashiv, for the offences punishable under sections 307, 326, 324, 323, 504, 506, 143, 147, 148 and 149 of the Indian Penal Code, the applicant be released on executing personal bond in the sum of Rs.25,000/- 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.
 - (b) the applicant shall not enter in the agricultural land of the informant till filing of the charge-sheet.
 - (c) the applicant shall not influence the informant and prosecution witnesses.
- (iii) It is made clear that the observations made in this order are prima facie in nature and the trial Court shall not get influenced by the same and decide the trial on its own merits.

[SHIVKUMAR DIGE, J.]