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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

ANTICIPATORY BAIL APPLICATION NO.1359 OF 2018

Ganpat Namdeo Karhekar & Ors.

..Applicants

Vs

The State of Maharashtra

..Respondent

Mr. Aniket Nikam I/b Aashish Satpute for applicants.

Mr. N.B. Patil, APP for State.

CORAM : A.S.GADKARI, J.

DATE : 3rd December 2018.

P.C.:

1] By an Order dated 12th July 2018, the applicants were granted interim relief and were directed to attend the Investigating Officer on stipulated dates, to join the process of investigation.

2] Heard the learned Counsel for the applicants and the learned APP. Perused the record of investigation.

3] The first information report is lodged by Shri Pandurang D. Karhekar. The prosecution case in brief is that, the applicants and the informant and his family members are close relatives. There were quarrels between them over the agricultural fields. On 4.5.2018 at about 7.00 p.m,

when the first informant returned from his job, he was informed that, the applicants herein have caused damage to the wire compound erected on the agricultural field and when the first informant and his family members questioned about the same, it is alleged that the applicants assaulted the first informant and his family members with hard and blunt object and with fist and kick blows. It is alleged that, the applicant No.1 assaulted the first informant with some instrument causing serious injury. In the premise the first information report is lodged.

4] The record indicates that, applicant No.2 Mauli Karhekar has lodged cross-complaint bearing No.145 of 2018 arising out of the same incident under section 307 and related offences of the Indian Penal Code. It is to be noted here that, the applicant No.1 is aged about 80 years as of today and is a senior citizen. Injuries received by the first informant in the present crime is a CLW at Occipital region. The medical certificate issued by the concerned Hospital at Paud. That the nature of injury is stated to be simple and was caused by hard and blunt object. It is to noted here that, the first informant in the present crime has stated that due to assault by the applicants, he felt giddiness. This can be a cause to fall on the ground. Prima facie it appears that the injuries received by the first informant in the

present crime is possible due to fall on the land and the applicant No.1 may not be author of the same. The role assigned to other applicants is of hurling abuses and assault with fist and kick blows. There are no corresponding injuries due to the said beating. The record further indicates that, pursuant to Order dated 12.7.2018, the applicants have attended the Investigating Officer on stipulated dates and have joined the process of investigation.

5] In view of the above, interim relief granted by Order dated 12th July 2018 is hereby confirmed. However, the condition to attend the Investigating Officer is waived.

Application is allowed in the aforesaid terms.

(A.S.GADKARI, J.)