

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

ANTICIPATORY BAIL APPLICATION NO. 786 OF 2020

Rajendra Gulab Zarekar,
Age-50 years, Occu-Agril,
R/o. Pimpri Gawali, Rui Chatrapati,
Tq. Parner, Dist. Ahmednagar

...APPLICANT

VERSUS

The State of Maharashtra

...RESPONDENTS

Mrs. Sunita S. Sonawane, Advocate for the applicant
Mrs. V. N. Patil/Jadhav, APP for the respondent/State

CORAM : V. L. ACHLIYA, J.

DATE : 08-10-2020

P. C.

. The applicant apprehending arrest in connection with the Crime No. 109 of 2020 for the offences punishable under Sections 326, 323, 504 and 506 of the Indian Penal Code registered with Supa Police Station, Tq. Parner, Dist. Ahmednagar, has preferred this application seeking pre-arrest bail.

2. Heard learned counsel for the applicant and learned APP representing the respondent/State. Perused the injury certificate in respect of the injury sustained by the applicant as well as informant.

3. On due consideration of the submissions advanced, I

am of the view that the case of the applicant stands at par with co-accused who are granted anticipatory bail by the Sessions Court. While granting anticipatory bail to the co-accused vide order dated 31-07-2020, the learned Additional Sessions Judge has observed that the informant and the applicants are relatives and the incident occurred on account of dispute relating to ancestral agricultural land. Cross complaint lodged against each other. It is also observed that the informant is an aggressive party. Perusal of the injury report spell out that the informant has sustained CLW 8x3 cm over dorsum of hand Bone & tendous exposed. He is also found sustained fracture of left hand midshaft of 2,3 metacarpal displ. The applicant has produced the discharge card in respect of injury sustained and treatment offered to in the Dr. V. K. Patil Memorial Hospital & Medical College at Ahmednagar. As per injury certificate the applicant has sustained fracture of distal ulna fracture. In that view there appears to be free fight between the rival groups causing injuries to both the sides. The investigation is practically over. Co-accused is granted anticipatory bail by the Sessions Court. The dispute was occurred all of sudden on account of land dispute. As per the version of the incident given by the informant he sustained injury when he intervened to rescue his father. In that view, there is a arguable case whether the applicant volountarily caused grievous hut to informant to attract offence under Section 326 of the IPC. Except Section 326 of IPC all other offences registered against the applicant areailable. The grant of anticipatory bail to the applicant would not frustrate the ongoing investigation. The weapons used in commission of offence allegedly

seized from spot. Therefore in the facts and circumstances of the case, I am inclined to allow the application with certain conditions. Hence the following order is passed:

ORDER

- i. Application is allowed.
- ii. In the event of arrest of the applicant in connection with the Crime No. 109 of 2020 for the offences punishable under Sections 326, 323, 504 and 506 of the Indian Penal Code registered with Supa Police Station, Tq. Parner, Dist. Ahmednagar, the applicant be released on furnishing bail in the sum of Rs.20,000/- [Rupees Twenty Thousand] with one or two sureties in the like amount on the following conditions condition:
 - a. The applicant shall appear before the Investigating Officer on 13-10-2020 at 11.00 am and continue to attend the police station till 16-10-2020 in between 11.00 am to 05.00 pm and co-operate in the investigation.
 - b. Thereafter, the applicant shall attend the police station as and when directed by the Investigating Officer.

- c. The applicant shall not indulge in in any act amounting to pressurizing the prosecution witnesses.
 - d. Till filing of charge-sheet the applicant shall attend the Supra Police Station on every Sunday in between 10.00 am to 11.00 am to record his presence.
 - e. After filing of charge-sheet the applicant shall attend the Supra Police Station to record his presence before the Office Incharge of the Police Station on last day of each month in between 1.00 pm to 02.00 pm.
- iii. In the event of breach of any of the conditions the bail granted to the applicant shall liable to be cancelled.

[V. L. ACHLIYA, J.]