

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

ANTICIPATORY BAIL APPLICATION NO. 886 OF 2020

1. Shrikant Girdhari Giri	
2. Mahadeo Girdhari Giri	... Applicants
Versus	
The State of Maharashtra	... Respondent

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Mr. R. G. Hange, Advocate for the applicants
Mrs. V. N. Patil – Jadhav, APP for respondent – State

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**CORAM : R. G. AVACHAT, J.
(Vacation Court)**

DATED : 10th NOVEMBER, 2020

PER COURT :

1. This is an application for bail under Section 438 of the Code of Criminal Procedure. The applicants claim to have an apprehension of being arrested in connection with Crime No.185/2020, registered at Neknoor police Station, Taluka and District Beed, for the offences punishable under Sections 323, 326, 504, 34 of the Indian Penal Code.

2. Heard. Perused the First Information Report (FIR) and related papers.

The FIR has been lodged on 29.08.2020. It is alleged in the FIR that the informant has constructed four room premises in his field. The wife of present applicant No.1 is Sarpanch of the village. Her no objection was required for obtaining electric meter and extract of property card also to be required from the Sarpanch. The informant, time and again, requested the applicant Shrikant, to do the needful. He did nothing. At about 7.30 p.m., the informant had been to the village square. Applicant Shrikant, his brother Mahadeo (applicant No.2), their father Girdhari, were present. The informant asked Shrikant (applicant No.1) to issue him no objection certificate. Applicant No.1, thereupon got engaged. He abused the informant. The wife of applicant No.1 i.e. Poonam (village Sarpanch) came there and abused the informant. The applicants also abused the informant. According to them, the informant did not vote Poonam in Grampanchayat election. Applicant No.2 was armed with stick. He assaulted the informant therewith. Shrikant picked up rod and assaulted the informant on his right leg, resulting into fracture. Villagers intervened.

3. Learned APP urged for rejection of the application. According to her, the informant suffered serious injury.

4. Medicolegal certificate is on record. The history given therein is that he suffered injury due to fall on 01.08.2020 by 9.00 a.m. This injury certificate is sought to be placed on record against the applicants. The history given therein falsifies the allegations in the FIR. The informant is said to be physically disabled in his leg. As such, the case is made out for grant of anticipatory bail to the applicants. Hence, following order :

ORDER

- (i) The application is allowed.
- (ii) In the event of arrest in connection with Crime No.185/2020, registered at Neknoor police Station, Taluka and District Beed, for the offences punishable under Sections 323, 326, 504, 34 of the Indian Penal Code, the applicants be released on executing P. R. bond in the sum of Rs.15,000/- (Rupees Fifteen Thousand Only) each with surety in the like amount.
- (iii) The applicants shall appear before the investigating officer as and when required.
- (iv) The applicants shall not tamper with the prosecution evidence.

[R. G. AVACHAT, J.]