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

ANTICIPATORY BAIL APPLICATION NO.996 OF 2020

Vishal s/o Bappa @ Kerba Jadhav ... APPLICANT

VERSUS

The State of Maharashtra ... RESPONDENT

.....
Shri N.R. Thorat, Advocate for applicant
Shri S.P. Tiwari, A.P.P. for State
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**CORAM: R.G. AVACHAT, J.
 (Vacation Court)**

DATED : 12th NOVEMBER, 2020.

ORDER :

This is an application for anticipatory bail. The applicant has apprehension of his arrest in connection with Crime No.222/2020, registered with Paranda Police Station, District Osmanabad for offence punishable under Sections 326, 323, 324, 504, 506 read with Section 34 of the Indian Penal Code.

2. Heard learned counsel for the applicant and learned A.P.P. for the State. Perused the First Information Report (F.I.R.) and the related papers. The F.I.R. has been lodged on 14/9/2020. The informant had been to Devkar Tea Stall, Bawchi

Chowk, Paranda. Two of his colleagues were in his company. At about 1.30 p.m., the applicant and two others namely Ganesh Jadhav and Ajay Jadhav came together. They picked up quarrel with the informant, taking thread of earlier quarrel. The applicant assaulted on informant's head with a stick. Ganesh assaulted with a sickle. The applicant then rained stick blows on the applicant's person. Thereafter, the applicant and co-accused went away. Vishal Devkar admitted the informant to the Government Hospital.

3. The learned A.P.P. would submit that, the offence has been committed in furtherance of common intention. Weapons like stick, sickle have been used. It was a bid on the life of the informant. Fortunately, he survived. Learned A.P.P. urged for rejection of the application.

4. It is not that the incident did take place. The F.I.R. has been recorded in the hospital. The applicant is alleged to have assaulted on the head of the informant with sickle. The injury certificate on record indicates the informant to have not suffered any head injury. The one who had assaulted the informant with a sickle is not before this Court. The offence attributable to the applicant may be said to be one punishable under Section 324 of the Indian Penal code. The same is bailable

offence. If at all the offence punishable under Section 326 is made out, the applicant's liability therefor could be pursuant to Section 34 of the Indian Penal Code. In this factual backdrop, I am inclined to grant the applicant anticipatory bail. Hence the order :-

ORDER

- (i) The application is allowed. In the event of arrest of the applicant in connection with Crime No.222/2020, registered with Paranda Police Station, District Osmanabad for offence punishable under Sections 326, 323, 324, 504, 506 read with Section 34 of the Indian Penal Code, he shall be released on bail on his furnishing P.R. bond in the sum of Rs.15,000/- (Rupees fifteen thousand) with one surety in the like amount.
- (ii) The applicant shall appear before the investigating officer as and when required for investigation purpose.

(R.G. AVACHAT, J.)

fmp/-