

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

18 ANTICIPATORY BAIL APPLICATION NO.1077 OF 2020

VINAYAK BALUAPPA KANADE
VERSUS
THE STATE OF MAHARASHTRA

Advocate for Applicant : Shri Arvind Deshmukh
APP for Respondent-State : Shri R.V.Dasalkar

**CORAM : M.G.SEWLIKAR, J.
VACATION COURT**

DATE: 20th November, 2020

PER COURT:-

1. Heard Shri Arvind Deshmukh, learned counsel for the applicant and Shri R.V.Dasalkar, learned counsel for the respondent-State.

2. The informant, who is the grandmother of the applicant has lodged the FIR alleging that her son Balu, his wife Vijaya and their son Vinayak i.e. the applicant assaulted the informant and her husband. The cause of this assault was that the suit filed by the informant was decreed. It is alleged that the accused Balu and the applicant beat another daughter-in-law Aarti. Both of them beat the informant and her husband Sakharam. This incident took place on 21-09-2020 at 07:30 a.m. FIR was lodged on 24-09-2020 at 23:54 hours. Accordingly, Crime No.237 of

2020 came to be registered under Sections 326, 324, 452, 327, 504, 506, 323 read with Section 34 of the Indian Penal Code with Sailu Police Station, District Parbhani.

3. Shri Deshmukh, learned counsel for the applicant submitted that a false case has been filed against the applicant and others. He submitted that there is delay of three days in lodging the FIR for which no explanation is forthcoming. He further submitted that the applicant is aged only 19 years and he is a student. The applicant is also implicated falsely in this incident. He submitted that no role is ascribed to the applicant. Therefore, custodial interrogation of the applicant is not necessary. He further submitted that the granddaughter of the informant has been released on anticipatory bail. He submitted that the case of the applicant stands on the same footing with that of the granddaughter of the informant. He submitted that the applicant be released on anticipatory bail.

4. Shri Dasalkar, learned APP submitted that the investigation papers show that the applicant had assaulted his grandfather by means of an iron rod on the head. Medical certificate bears testimony to that. He, therefore, prayed for rejection of the application.

5. On perusal of the investigation papers produced by the learned APP, it is seen that Sandip the other son of the informant sustained injuries on his head and leg. Sakharam, the grandfather of the applicant, also sustained injuries i.e. abrasion on head, left index finger and left fore arm. He was examined on 21-09-2020 at 07:45 a.m., which means within 15 minutes of the incident. Statement of Sakharam shows that the applicant delivered a blow of iron rod on the head of Sakharam. Similar is the statement of Sandip the other son of the informant. Therefore, having regard to this, iron rod is to be recovered from the applicant. In this view of the matter, I am not inclined to release the applicant on anticipatory bail. Hence, the application is dismissed.

**(M.G.SEWLIKAR)
JUDGE**

SPT