

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

926 ANTICIPATORY BAIL APPLICATION NO.125 OF 2021

- 1) Sheshrao s/o Dhondji Chavan,
Age 62 years, Occ. Retired Serviceman,
R/o. Shivram Nagar, Parbhani,
Tq. & Dist. Parbhani.
- 2) Chatura w/o Sheshrao Chavan,
Age 58 years, Occ. Household,
R/o. As above.
- 3) Avinash s/o Sheshrao Chavan,
Age 30 years, Occ. Privte Job,
R/o. As above.

Versus

The State of Maharashtra,
Through Police Station Mondha,
Parbhani, Tq. & Dist. Parbhani.

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Advocate for Applicants : Mr. Suraj R. Bagal
APP for Respondent-State : Mr. V.S. Badakh

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CORAM : MANGESH S. PATIL, J.

DATE : 23 FEBRUARY 2021

PER COURT :

The applicants are seeking bail in the event of their arrest in connection with Crime No.0271/2020, registered with New Mondha Police Station, Parbhani Tq. & Dist. Parbhani for the offences punishable under Section 326, 325, 504 and 506 read with Section 34 of the Indian Penal Code.

2. The allegations are to the effect that on 02.08.2020 at about 09.30 p.m., when the informant as usual was taking a

stroll with his pet dog, he saw that a quarrel was going on between the applicants and one Sharma. When he (informant) tried to intervene, the applicant No.3 abused him in filthy language and also questioned as to why, they all were taking their pet dogs for stroll in front of their house. When he insisted, the applicant No.1 is stated to have tried to assault him with an iron rod on the head but he dodged it and sustained some injury to the left ear. The Applicant No.3 then gave a blow of stick on his waist and the applicant No.2 is stated to have hit him on the right ankle with a garden watering vessel. He was taken to the Government Hospital from where, he was taken for further treatment to a private hospital and the FIR was lodged on 05.08.2020.

3. The learned Advocate for the applicant would submit that in fact said Sharma and the informant were the aggressors and had assaulted the applicants about which the FIR was lodged on 03.08.2020. It is only by way of counter-blast a concocted FIR is lodged belatedly.

4. The offence is petty. The applicants are ready to co-operate the Investigating Officer. There are no criminal antecedents. They may be granted bail.

5. The learned APP opposes the application. He submits

that though the FIR has been lodged belatedly, the injury certificate of the informant corroborates his version about having sustained injury to the right ankle. There are statements of witnesses to the incident. The fact of lodging of the counter FIR corroborates the version in the present FIR, the incident having taken place at the date, time and place as mentioned in the present FIR. The weapons are yet to be recovered which cannot happen without resorting to custodial interrogation of the applicants and the application be rejected.

6. I have carefully gone through the papers of the investigation and the papers annexed with the application. It is a matter of record that some quarrel had taken place between the applicants on the one and that Sharma on the other. Even according to the present FIR, it is during the course of that incident the informant had reached the spot and tried to intervene. Though, he is now stating to have sustained a fracture to the right ankle, the injury certificate does not *prima facie* corroborate his version about sustaining any grievous injury.

7. Besides, except the offence punishable under Section 326 of the Indian Penal Code, the other offences are bailable. The injury to right ankle is attributed to the applicant

No.2, however, it is alleged that it was caused by a garden watering vessel.

8. Considering the aforementioned state of affairs, this is a fit case to grant anticipatory bail.

9. The application is allowed.

10. In the event of arrest of the applicants in connection with Crime No.0271/2020, registered with Police Station Mondha, Parbhani Tq. & Dist. Parbhani for the offences punishable under Section 326, 325, 504 and 506 read with Section 34 of the Indian Penal Code, they shall be released on bail on their executing personal recognizance for an amount of Rs.15,000/- (rupees fifteen thousand) each and furnishing a solvent surety in the like amount each, subject to following conditions :

- a) The applicants shall attend the concerned Police Station on two consecutive Saturdays, starting from 27.02.2021 between 09.00 a.m. and 12.00 noon and shall co-operate the Investigating Officer.
- b) They shall not tamper the evidence or influence the witnesses.

(MANGESH S. PATIL, J.)