

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

**ANTICIPATORY BAIL APPLICATION NO.531 OF 2021**

1] DHAMMAPAL PRAKASHRAO GANDHARE  
2] RAJESH HARIBHAU GHANDHARE  
3] PRASANJIT PRAKASHRAO GANDHARE

**VERSUS**

THE STATE OF MAHARASHTRA

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Advocate for Applicants : Mr. Kamble Shirish M.  
APP for Respondent/State: Mr. V.M. Kagne

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**CORAM : MANGESH S. PATIL, J.**

**DATE : 17.06.2021**

**PER COURT :**

This is an application under Section 438 of the Code of Criminal Procedure as the applicants are apprehending arrest in connection with Crime No.157/2021 registered with New Mondha Police Station, Dist. Parbhani for the offences punishable under Section 326, 324, 504 and 506 read with Section 34 of the Indian Penal Code.

2. The allegations are to the effect that on 24.04.2021 at about 7.30 pm all the applicants abused the informant and assaulted him with a stick and an axe. It is also alleged that in the process the 4<sup>th</sup> accused, who is not before this Court bit him on the back.

3. After having heard both the sides for a while it transpires that the injuries sustained by the informant are all simple, albeit the one, perhaps

attributable to the 4<sup>th</sup> accused is an incise wound caused by hard and sharp object, though it is also stated to be a simple one. There is no grievous injury and consequently offence punishable under Section 326 of the Indian Penal code would not be attracted.

4. Though the applicants are stated to have used a stick and an axe, since there is no grievous injury sustained by the informant these allegations would not be sufficient to attract the offence punishable under Section 326 of the Indian Penal Code.

5. The 4<sup>th</sup> accused against whom there are allegations about having bitten the back of the informant has been granted anticipatory bail by the learned Additional Sessions Judge.

6. In view of all the above circumstances, it is a fit case where the applicants deserve to be granted anticipatory bail subject to usual conditions.

7. The application is allowed. The ad-interim protection granted by way of an order dated 25.05.2021 stands confirmed with the same terms and conditions with a clarification that the condition as regards appearance before the Investigating Officer would cease on submission of the charge sheet/final report.

**(MANGESH S. PATIL, J.)**