

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

920 ANTICIPATORY BAIL APPLICATION NO.744 OF 2021

**GANESH RAJARAM MOHITE
VERSUS
THE STATE OF MAHARASHTRA**

Mr.D.R. Jaybhar, Advocate for the applicant.
Mr.A.V. Deshmukh, APP for the respondent/State.

**CORAM : SANDEEP K. SHINDE, J.
DATED : 16.07.2021**

PC :-

01. Heard. The applicant seeks pre-arrest bail in connection with Crime No.37 of 2020, registered with Jamkhed Police Station, for the offences punishable under sections 307, 326, 325, 324, 394, 120B, 504, 506(2) read with section 34 of the Indian Penal Code.

02. On 18th June, 2019, when the quarrel arose over the boundary dispute, which is pending in the Civil Court, the complainant alleged the applicant and co-accused assaulted him and his wife by sharp and blunt object. The incident was reported on 18th June, 2019; whereupon non-cognizable offence was registered under section 323, 504 and 506 of the Indian Penal Code against the applicant and his family members. Soon after the assault, the complainant was examined in the Rural

Hospital, Jamkhed. The complainant had suffered grievous injury in the nature of fracture of left 8th rib; whereas his wife had suffered a simple injury on her temporal region of scalp. Where-after at the instance of the complainant, directions under section 156(3) of the Cr.P.C. were issued. In the result, Crime No.37 of 2020 came to be registered on 28th January, 2020 under sections 307, 326, 325, 324, 394, 120-B, 504, 506(2) of the Indian Penal Code. The applicant's father was arrested and has been released on bail.

03. The complaint, on the face of it, shows the applicant's father had assaulted the complainant and caused fracture to his 8th rib; whereas the allegations of assault by the applicant caused simple injury to the complainant's wife. There are no criminal antecedents against the applicant. In consideration of the facts of the case, the role attributed to the applicant and the resultant injury allegedly caused by the applicant to the complainant's wife, in my view custodial interrogation of the applicant may not advance the investigation.

04. In the result, the application is allowed. In the event of arrest of the applicant, the applicant shall be released on bail on executing bond in the sum of Rs.25,000/- (Rupees Twenty Five Thousand) with one or

more sureties in the like amount. The applicant shall report to the Investigating Officer on 20th, 23rd, 26th and 30th July, 2021 between 11.00 a.m. to 01.00 p.m. and thereafter shall mark his presence in the concerned police station twice in a month i.e. 1st and 4th Monday of each month, commencing from August, 2021, till the charge sheet is filed.

05. The application is allowed and disposed of.

[SANDEEP K. SHINDE,J.]