

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

ANTICIPATORY BAIL APPLICATION NO. 974 OF 2021

Vinod s/o Namdev Khandagale,
Age : 30 years, Occu. Agri.,
R/o. Aundha Nagnath,
Tq. Aundha Nagnath, Dist. Hingoli.

...Applicant

Versus

The State of Maharashtra

... Respondent

.....
Mr. Balasaheb N. Magar-Patil, Advocate for the applicant
Mr. N. T. Bhagat, APP for respondent / State
.....

**CORAM : V. G. BISHT, J.
DATED : 08th September, 2021**

PER COURT : -

1. This is an application under Section 438 of the Code of Criminal Procedure, 1973 preferred by the applicant seeking grant of pre-arrest bail in connection with Crime No. 0157 of 2021, registered with Aundha Nagnath Police Station, District Hingoli, for the offences punishable under Sections 307, 324, 323, 341, 143, 147, 148 r/w 149 of the Indian Penal Code.

2. It is the case of prosecution that on 08.07.2021 at about 04:30 pm, when the informant along with his relative Bibhishan Deorao Khatke was proceeding towards Sukapur on his motorcycle, accused Babarao Marotrao Hake, Sunil Namdeo Khandagale, Sudam Limbarao Hake, Vinod Namdeo Khandagale, Bhaiyya Sunil Khandagale and Pintu Nade after forming an unlawful assembly

intercepted his motorcycle. Sunil Khandagale caught hold of his collar and Babarao Hake asked him that he should not give evidence against them in the court and then tried to give a blow of Katti (a weapon longer than knife or dagger) on his neck but it hit on informant's head. It is further alleged that the applicant assaulted the informant by means of stick on his head and right leg. The other accused also assaulted the informant's relative, namely, Bibhishan Khatke.

3. Mr. Balasaheb N. Magar-Patil, learned Counsel for the applicant, submits that as far as the present applicant is concerned, the ingredients of Section 307 of the Indian Penal Code are not attracted. No grievous injury was sustained by the informant at the hands of the applicant. The applicant has no criminal antecedents and owns landed property and thus will not flee from the justice.

4. Mr. N. T. Bhagat, learned APP, on the other hand, fairly submitted that the role of applicant was very limited. Although the applicant assaulted the informant by means of stick, the injuries sustained by the informant were of simple nature. In such circumstances, necessary order may be passed.

5. Reading of FIR would clearly show the role played by the applicant. It is alleged that the applicant had assaulted the informant by means of stick on the head and right leg. It is fairly submitted by learned APP that the injuries sustained by the informant were simple in nature. There is nothing to be recovered. In such circumstances, I am of the view that the present application deserves consideration. Hence, the following order.

ORDER

In the event of arrest of applicant herein, namely, Vinod Namdev Khandagale in connection with Crime No. 0157 of 2021, registered with Aundha Nagnath Police Station, District Hingoli, for the offences punishable under Sections 307, 324, 323, 341, 143, 147, 148 r/w 149 of the Indian Penal Code, the applicant is directed to be enlarged on bail on his furnishing P.R. Bond of Rs.20,000/- [Rs.Twenty Thousand only], with one or two solvent sureties in the like amount.

6. The Anticipatory Bail Application stands disposed of in aforesaid terms.

[V. G. BISHT]
JUDGE