

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

ANTICIPATORY BAIL APPLICATION NO.1037 OF 2021

Nanabhau s/o Rajendra Ghadge

...Applicant

Versus

The State of Maharashtra

...Respondent

...

Advocate for the Applicant : Mr. A. L. Kanade

APP for the Respondent – State : Mrs. V. S. Choudhari

...

CORAM : V. G. BISHT, J.

DATE : 24th 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.153/2021, registered with Pimpalner Police Station, Taluka and District Beed for the offences punishable under Sections 326, 504, 506 and 34 of the Indian Penal Code, 1860.

2. It is the case of prosecution that on 02.07.2021 at about 07.00 p.m. while the informant was proceeding towards his house from his field accused Varsha w/o Nanabhau Ghadge, a neighbour threw waste water on his person and when he

objected, she started abusing. It is further alleged that accused Rajendra Yadav Ghadge and Ramkisan Rajendra Ghadge along with Nanabhau Rajendra Ghadge (applicant) came there and in furtherance of their common intention accused Ramkisan Rajendra Ghadge gave a blow of an axe on the right leg of the informant's son, namely, Satish and caused grievous injury. The informant accordingly lodged the report.

3. Mr. A. L. Kanade, learned counsel for the applicant, submits that the applicant has been falsely implicated. Moreover, the only allegation against the applicant is that he abused the informant. Nothing is to be recovered from applicant and, therefore, in such circumstances the applicant deserves to be given the benefit of pre-arrest bail.

4. Mrs. V. S. Choudhari, learned APP for the Respondent - State, on the other hand, opposed the submissions by contending that the applicant and other accused in furtherance of their common intention assaulted the informant and thereby caused grievous injury. Investigation is in progress and, therefore, application is to be rejected.

5. A careful reading of the First Information Report would show that the role of present applicant was very limited. It is

alleged that he along with other accused also came and started abusing. The details of abuses are not given. The main accused appears to be Ramkisan Rajendra Ghadge who had allegedly caused grievous injury on the right leg of the informant's son by means of an axe.

6. I have also gone through the investigation papers and medical papers pertaining to the informant's son, namely, Satish. The medical papers do show that Satish had suffered grievous injury as alleged.

7. Having regard to the role of applicant, in my considered opinion, the application deserves consideration. Hence, the following order :-

ORDER

- (i) Application is allowed.
- (ii) In the event of arrest of the applicant Nanabhau s/o Rajendra Ghadge herein in connection with Crime No.153/2021, registered with Pimpalner Police Station, Taluka and District Beed for the offences punishable under Sections 326, 504, 506 and 34 of the Indian Penal Code, 1860, the applicant is directed to be enlarged on bail on his furnishing P.R. Bond of Rs. 15,000/- (Rupees Fifteen Thousand only), with one or two sureties in the like amount.
- (iii) Application is accordingly disposed of.

**(V. G. BISHT)
JUDGE**