

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

ANTICIPATORY BAIL APPLICATION NO. 1044 OF 2021

- | | | | |
|----|---|-----|-------------------|
| 1 | Balasaheb s/o Govardhan Bhandare,
Age 35 years, Occu: Agri. | ... | Applicants |
| 2. | Gahininath @ Aviran @ Avinash
s/o Yuvraj Laad
Age 32 years, Occu: Agri. | | |

Both r/o Pategaon Tq. Karjat
District Ahmednagar.

VERSUS

The State of Maharashtra, Through Police Station Officer, Karjat Police Station, Tq. Karjat District Ahmednagar.	...	Respondent
---	-----	-------------------

Mr. Rahul R. Karpe, Advocate for the applicants,
Mr. V. S. Badakh, A.P.P. for the State.

CORAM : PRAKASH D. NAIK, J.

DATE : 5th October, 2021

ORDER:

1. The applicants are apprehending arrest in connection with C.R. No. 0308/2021 registered with Karjat Police Station, Tq. Karjat, District Ahmednagar for the offences punishable under Sections 143, 147, 148, 149, 324, 323, 504, 506, and 326 of the Indian Penal Code (for short "IPC"). Subsequently, Section 326 IPC revoked.

2. The First Information Report (for short "FIR") was lodged on 20.05.2021 by Rushikesh Kamlu Hotkar. It is alleged that there was

quarrel between both the sides. Applicant No.1 had slapped the complainant. Applicant No.1 took an iron rod and tried to assault the complainant; he avoided the assault which has resulted in a blow on his hand. Applicant No.2 has allegedly assaulted injured by wooden stick on the head of the complainant which has resulted in injury.

3. Learned counsel for the applicant submits that first information report was registered by applicant Balasaheb Bhandare against the complainant on 19.05.2021 under section 324, 323, 506, 506, 34 IPC. Thus, there are different versions of the same incident. In the first information report lodged by the applicant against the complainant, it is alleged that Devidas Handal, Bhiva Zarkar and Kamblu Hotkar have assaulted the applicant and others.

4. Learned A.P.P. submits that complainant had sustained injury to his hand which is in the nature of fracture and grievous. Specific role has been attributed to both the applicants.

5. From the tenor of the first information report it is seen that applicant No.1 allegedly took iron rod from the place of incident and tried to assault the complainant. Applicant No.2 assaulted the complainant with wooden log on his head. There is a counter complaint prior in point of time filed by applicant No.1.

6. Considering the factual matrix of the case, the applicants need not be subjected to custodial interrogation.

7. Hence, I pass the following order :-

ORDER

- i. Anticipatory Bail Application No. 1044 of 2021 is allowed;
 - ii. In the event of arrest of the applicants in C.R. No. 0308/2021 registered with Karjat Police Station, Tq. Karjat, District Ahmednagar, the applicants be released on bail on executing PR bond in the sum of Rs. 25,000/- each, with one or more sureties in the like amount;
 - iii. The applicants shall report the investigating officer on 12th, 13th and 14th October, 2021 between 11.00 a.m. to 1.00 noon and thereafter as and when called for.
8. Anticipatory Bail Application stands disposed of accordingly.

(PRAKASH D. NAIK, J.)

JPC