

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

ANTICIPATORY BAIL APPLICATION NO.1147 OF 2020

Dinesh Madanlal Birute ...Applicant

Versus

The State of Maharashtra ...Respondent

...
Mr. P.D. Jarare, Advocate for the applicant.
Mr. A.M. Phule, APP for the respondent-State.
...

**CORAM : SMT. VIBHA KANKANWADI, J.
DATED : 06th JANUARY, 2020.**

ORDER:-

1. Present applicant is apprehending his arrest in connection with Crime No.343 of 2020 registered with Begumpura Police Station, District Aurangabad for the offences punishable under Sections 324, 354(A), 504, 506 read with 34 of the Indian Penal Code and therefore, he has filed the present application under Section 438 of the Criminal Procedure Code.

2. Heard learned Advocate Mr. P.D. Jarare for the applicant and the learned APP Mr. A.M. Phule for the respondent-State. In order to cut short it can be said that both of them have vehemently submitted the submissions in respect of their respective contentions.

3. Perusal of the FIR would show that it is filed against the present applicant and his mother by the lady, who resides

on the ground floor of the building in which the present applicant is residing. As regards those imputations, which are attracting offences under Section 354-A, 504 and 506 of the Indian Penal Code are concerned, since those sections are bailable, this Court does not want to go much into those aspects. The only section with which we are concerned is Section 324 of the Indian Penal Code, which is non-bailable and it is stated that the husband of the present informant was assaulted by the present applicant by means of wooden log. Now only for the recovery of the alleged weapon, liberty of the present applicant need not be curtailed. It can also be achieved by giving attendance to the present applicant to the police station. The investigation will not be hampered and therefore, the application deserves to be allowed. Hence, the following order is passed:

ORDER

- I) The application is hereby allowed.
- II) In the event of arrest of the applicant in connection with Crime No.343 of 2020 registered with Begumpura Police Station, District Aurangabad for the offences punishable under Sections 324, 354(A), 504, 506 read with 34 of the Indian Penal Code, he be released on P.R. and S.B. of Rs. 15,000/- (fifteen thousand).
- III) The applicant shall remain present before the Investigating Officer on every Sunday between 10.00 am to

(3)

02.00 pm till 01.03.2021 or till filing of charge sheet, whichever is earlier.

IV) The applicant shall not tamper with the evidence of the prosecution in any manner.

V) The applicant shall not indulge in any criminal activity.

(SMT. VIBHA KANKANWADI, J.)