

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

ANTICIPATORY BAIL APPLICATION NO. 1084 OF 2021

1. Narhari Narayan Renge
2. Bapurao Naryan Renge
3. Arjun Narhari Renge
4. Hanumant Bapurao Renge

...Applicants

Versus

The State of Maharashtra

... Respondent

WITH

CRIMINAL APPLICATION NO. 2194 OF 2021
IN ANTICIPATORY BAIL APPLICATION NO. 1084 OF 2021

Bhagwat Munjaji Bhalerao

... Applicant

Versus

Narhari Narayan Renge and others

...Respondents

...

Advocate for the Applicant : Mr. A. N. Barhate Patil

APP for the Respondent – State : Mr. A. V. Deshmukh

Adocate for informant to assist APP : Mr. Vishnu Y. Patil

...

CORAM : V. G. BISHT, J.

RESERVED ON : 27th SEPTEMBER, 2021

PRONOUNCED ON : 29th SEPTEMBER, 2021

...

PER COURT :-

1. Heard. Criminal Application No. 2194/2021 for assisting

APP stands allowed in terms of prayer clause 'B' and disposed of.

2. This is an application under section 438 of the Code of Criminal Procedure, 1973 preferred by the applicants seeking grant of pre-arrest bail in connection with Crime No.0152/2021, registered with Daithana Police Station, District Parbhani for the offences punishable under Sections 307, 324, 143, 147, 148, 149, 323, 504 of the Indian Penal Code, 1860 and under Section 135 of the Bombay Police Act, 1951.

3. It is the case of prosecution that applicant No.1 is the neighbour of informant. There is a drainage in front of the house of applicant No.1. On 29.06.2021 at about 06.00 a.m. the mother of informant threw waste water in the said drainage. Therefore, accused Narhari Narayan Renge (applicant No.1), Bapurao Naryan Renge (applicant No.2), Arjun Narhari Renge (applicant No.3) and Maroti Bapurao Renge came running to the person of his parents and younger brother and abused. Meantime accused Krushna Bapurao Renge brought a knife from his house and gave it to applicant No.1. Applicant No. 2 held the hands of informant. Applicant

No. 1 stabbed in the abdomen. The informant later on lodged the report.

4. Mr. A. N. Barhate Patil, learned counsel for the applicants, submits that on 29.06.2021 applicant No. 2 had lodged the F.I.R. bearing No. 0148 of 2021 under Sections 326, 323, 504, 506 read with Section 34 of Indian Penal Code against the informant and others and as a counterblast the subject F.I.R. came to be filed by the informant herein that too after delay of three days. According to learned counsel because of political rivalry the applicants have been falsely implicated. Moreover, there are no criminal antecedents and they are ready to abide all the conditions which may be imposed by this Court.

5. Mr. A. V. Deshmukh, learned APP for the Respondent - State, on the other hand, opposed the submissions by contending that the applicants alongwith others not only formed an unlawful assembly but also assaulted the informant and his family members. According to learned counsel it was applicant No.1 who had given a blow of knife in the abdomen of the informant and thereby caused grievous injury. Investigation is on and recovery of weapon is yet to be effected. Therefore, the present application should not be

allowed, urged learned APP.

6. I have gone through the investigation papers. It appears that arising out of the same incident the F.I.R. came to be filed by applicant No.2 herein at an earliest available opportunity against the informant and others. It is also clear that the informant in the present case lodged F.I.R. on 03.07.2021 against the applicants and others after delay of three days. The said delay is nowhere explained.

7. Coming to the point of injury it is alleged that applicant No.1 gave a blow of knife in the abdomen of informant and caused grievous injury. It appears from the Medico-Legal (Injury) Certificate dated 15.07.2021 issued by the Medical Officer, General Hospital, Parbhani that there was a stab injury ranging size 5 X 3 cm. length and width on right hypochondrium. Regarding nature of injury the concerned doctor made an observation "Grievous or simple depend on CT report and surgeon opinion".

8. The prosecution has also filed on record the discharge summary pertaining to the informant issued by Dr. Shankarrao Chavan Government Medical College and Hospital, Vishnupuri,

Nanded (Maharashtra). It is pertinent to note that the informant was admitted on 29.06.2021 and then came to be discharged on 15.07.2021. The operative details are given therein. It appears that there was penetrating injury over right side of abdomen. However, it nowhere discloses the nature of injury.

9. It is also surprising to note that another Medico-Legal (Injury) Certificate dated 23.09.2021 was issued by the same Medical Officer of General Hospital, Parbhani which is produced on record and now in the second Certificate the injury is defined as "Grievous". This certificate is dated 23.09.2021 whereas the first certificate of the same Medical Officer was dated 15.07.2021 and in that Certificate it was observed that the nature of injury depends on the CT Report and surgeon opinion. What is surprising to note is that the date of admission in the Dr. Shankarrao Chavan Government Medical College and Hospital, Vishnupuri, Nanded (Maharashtra) is shown as 29.06.2021 whereas the second opinion given by the same Medical Officer of General Hospital, Parbhani is dated 23.09.2021 branding injuries as grievous on what basis this opinion was given is nowhere made clear. Admittedly he himself had earlier given the certificate that the nature of

injury would depend on CT report and surgeon opinion. Admittedly again till the issuance of second Medico Legal Certificate on 23.09.2021 there was no such opinion of surgeon or CT report. On the contrary the discharge summary issued by Dr. Shankarrao Chavan Government Medical College and Hospital, Vishnupuri, Nanded (Maharashtra) would show that the informant was admitted on 29.06.2021 and came to be discharged on 15.07.2021. The fact remains that there is no conclusive medical opinion as to nature of injury.

10 . Having regard to the above discussion, in my considered opinion, the application deserves consideration. I am, therefore, inclined to allow the application with certain directions. Hence, the following order :-

ORDER

- (i) Application is allowed.
- (ii) In the event of arrest of the applicants - (1) Narhari Narayan Renge, (2) Bapurao Naryan Renge, (3) Arjun Narhari Renge, (4) Hanumant Bapurao Renge herein in connection with Crime No.0152/2021, registered with Daithana Police Station, District Parbhani for the offences punishable under Sections 307, 324, 143, 147, 148, 149, 323, 504 of the Indian Penal Code, 1860 and under Section 135 of the Bombay Police Act, 1951. of the Indian Penal Code, 1860, the applicants are directed to be enlarged on bail on their furnishing P.R. Bond of Rs.20,000/- (Rupees Twenty Thousand only), each with one or two sureties in the like amount.

- (iii) The applicants shall attend concerned police station as and when called called by the Investigating Officer.
- (iv) The applicants shall not tamper with the prosecution evidence in any manner.
- (v) Application is accordingly disposed of.

(V. G. BISHT)
JUDGE

shp/-