

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

ANTICIPATORY BAIL APPLICATION NO. 1088 OF 2021

SAJJAN KALYAN MOTE
VERSUS
THE STATE OF MAHARASHTRA

Advocate for Applicant : Mr. S.G. Kawade.
APP for Respondent : Mr. A.S. Shinde.

CORAM : PRAKASH D. NAIK, J.
DATE : 05.10.2021.

Per Court :

1. This is an application for anticipatory bail in Crime No. 259/2021, registered with Washi Police Station, District Osmanabad, for the offences punishable under Sections 326, 324, 323, 504, 506 read with Section 34 of the Indian Penal Code.
2. The complaint is lodged by Gunwant Sarjerao Mote. It is alleged that the agricultural field belonging to the applicant and the complainants family is adjacent to each other. In the past there was quarrel on account of the property. On 28.08.2021, the applicant and the co-accused were involved in assaulting the complainant. The applicant was allegedly armed with iron rod and he had assaulted the complainant with iron rod on his

hand whereas the co-accused Krishna Katkar assaulted by stick on the head and other parts of the body of the complainant. Hence, the FIR was registered.

3. Learned counsel for the applicant submitted that the applicant is employed with Military. He was on leave during the relevant period and taking advantage of this fact he has been falsely implicated in this FIR. In the event the applicant is arrested, there would be harm to the employment of the applicant.

4. Learned APP submitted that the overt act attributed to the accused is substantiated by the injury certificate of the complainant. The complainant sustained fracture to his hand.

5. However, the investigating agency has not putforth any injury certificate, if any, in respect to any injury sustained by the injured on the head corresponding to the allegations in the first information report. Apparently, there is dispute on account of property between both the parties. Considering the overt act attributed to the applicant, he need not be subjected to the

custodial interrogation.

ORDER

- i. Anticipatory Bail Application No. 1088/2021 is allowed.
- ii. In the event of arrest of applicant in Crime No. 259/2021, registered with Washi Police Station, District Osmanabad, he be released on bail on executing P.R. bond in the sum of Rs. 25,000/- (Rupees twenty five thousand) with one or more sureties in the like amount.
- iii. The applicant shall appear before the Investigating Officer as and when called for till filing of the charge-sheet.
- iv. The application is disposed of.

(PRAKASH D. NAIK, J.)

S.P.C.