

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

ANTICIPATORY BAIL APPLICATION NO.1106 OF 2021

HARISHCHANDRA YASHWANT PHAD

VERSUS

THE STATE OF MAHARASHTRA

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Advocate for Applicants : Mundhe Kartik D.
APP for Respondent – State : Mr. N. T. Bhagat

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CORAM : PRAKASH D. NAIK, J.

DATE : 26th OCTOBER, 2021

PER COURT :

1. The FIR was registered on 13-12-2020 at Pimpaldari Police Station, Parbhani vide Crime No.167 of 2020, for the offence under Sections 307, 326, 324, 323, 143, 147, 148 and 149 of the IPC.

2. The complainant has alleged that on 10-12-2020 the informant and his family members were in their field and at that time the accused assaulted them with katti, axe and stick. The co-accused Amol had allegedly assaulted with katti, Lahu had assaulted with axe and applicant had assaulted with stick.

3. The applicant is aged about 73 years. According to the applicant he has suffering from several ailments. The overt act attributed to the applicant is that he had assaulted by stick. The FIR has been registered by the wife of the applicant vide Crime

No.168 of 2020 on 13-12-2020, for offences under Sections 326, 324, 323, 143, 147, 148 and 149 of the IPC. In the light of the said FIR, it has been alleged that the accused therein had assaulted the son of the applicant by hitting with the stick on the head. The wife of the applicant was assaulted by axe, by giving blow on her head and other accused had assaulted with sticks.

4. Learned APP submitted that the role has been attributed to the applicant. The injury certificate mentioned that the injuries are of simple nature.

5. There appears to be dispute between both the sides. The complainant in the present case is nephew of the applicant. The applicant is a senior citizen. Cross case has been registered. Considering the above said factual aspect, interim protection granted by this Court can be confirmed.

ORDER

- (i) Anticipatory Bail Application No.1106 of 2021 is allowed.
- (ii) Interim relief order dated 11-10-2021 is confirmed.
- (iii) In the event of arrest of the applicant in Crime No.167 of 2020, registered with Pimpaladari Police Station, District Parbhani, the applicant shall be enlarged on bail on furnishing P.R. bond in the sum of Rs.20,000/- with

one or more sureties in the like amount.

- (iv) The applicant shall appear before the Investigating Officer as and when called for.
- (v) The application is disposed of.

(PRAKASH D. NAIK, J.)

SVH