

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

ANTICIPATORY BAIL APPLICATION NO.1117 OF 2021

**RAMA S/O DATTATRAY DAHATONDE
VERSUS
THE STATE OF MAHARASHTRA**

...
Advocate for Applicant : Mr. Gaware Niteen V.
APP for Respondent – State : Mr. N. T. Bhagat
...

CORAM : PRAKASH D. NAIK, J.

DATE : 26th OCTOBER, 2021

PER COURT :

1. The applicant is apprehending arrest in CR No.495/2021 registered with Shrigonda Police Station, District Ahmednagar for the offences punishable under Sections 326, 143, 147, 148, 149, 324, 323, 504, 506 read with Section 34 of the Indian Penal Code (for short, "I.P.C."). The F.I.R. was registered on 25th July 2021.
2. Cross F.I.R. has been registered vide CR No. 496/2021 by Smt. Mangal Dattatray Dahatonde for the offences punishable under Sections 326, 324, 323, 427, 504 and 506 of the I.P.C.
3. Learned Counsel for the applicant submitted that the applicant was injured and suffered three fractures. The mother of the applicant has lodged CR No. 496/2021 and during the investigation Section 326 of the I.P.C. has been altered to Section 307 of I.P.C.

4. The learned APP submits that the witness Jalindar has suffered one C.L.W, which is in the nature of simple injury as per the first injury certificate issued by the Government hospital and in the second injury certificate issued by the same hospital it is mentioned that he has suffered two grievous injuries. His injury certificate issued by the private hospital refers to one grievous injury suffered by him. The other injured Usha had suffered three injuries out of which one is grievous and two are simple. The injury certificate of her from private hospital also refers to one grievous injury. The third injured Vijay has suffered three simple injuries and Balkrushna had also suffered six simple injuries.

5. The injury certificate of the applicant refers to four injuries. Injury Nos. 2 and 3 are grievous in nature. It is fracture to the forearm and injury to the parietal bone-skull. It is submitted that the applicant was hospitalized for a period of four days. Both the sides have registered complaints against each other. In respect of the FIR registered by the mother of the applicant, Section 307 has been invoked during the course of investigation.

6. In the light of the aforesaid factual matrix the interim protection granted to the applicant can be confirmed.

ORDER

(i) Anticipatory Bail Application No.1117 of 2021 is

allowed.

- (ii) Interim order dated 08-10-2021 is confirmed.
- (iii) In the event of arrest of the applicant in crime No.495 of 2021 registered with Shrigonda Police Station, District Ahmednagar, the applicant be released on bail on executing P.R. bond in the sum of Rs.25,000/- with one or more sureties in the like amount.
- (iv) The applicant shall appear before the investigating officer on 10-11-2021, 11-11-2021 and 12-11-2021, between 11:00 a.m. to 01:00 p.m.
- (v) Application is disposed of.

(PRAKASH D. NAIK, J.)