

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

**ANTICIPATORY BAIL APPLICATION NO. 1193 OF 2021**

1. Sanjay s/o Ramrao Thite, ... **Applicant**  
Age 39 years, Occu: Labourer
2. Bhimrao s/o Munjaji Raibhole  
Age 43 years, Occu: Labourer

Both R/o Indira Awas Nagar, Palam, Tq.  
Palam, Dist. Parbhani.

**VERSUS**

The State of Maharashtra, ... **Respondent**  
Through Police Inspector,  
Palam Police Station, Dist. Parbhani.

Mr. Pralhad D. Advocate for the applicant,  
Mr. A. S. Shinde, A.P.P. for the State.

CORAM : PRAKASH D. NAIK, J.  
DATE : 24th November, 2021

**ORDER:**

1. This an application for anticipatory bail in Crime No.203/2021 registered with Palam Police Station, District Parbhani for the offences punishable under Sections 307, 323, 341, 504, 506, 34 of the Indian Penal Code (for short "IPC").

2. The prosecution case is that on 31.08.2021, at about 9.30 p.m. the complainant and others were talking to each other near their house. Avinash Laxman Khandare and the applicants came to the spot of incident. Avinash Khandare abused and assaulted the complainant.

Other accused also abused him. The applicants caught hands of the complainant and the co accused Avinash Khandare gave a blow of knife with an intention to kill him on his abdomen. When the other persons intervened, the accused ran away from the spot.

3. Avainash Laxman Khandare was arrested. He was granted bail by the learned Additional Sessions Judge, Gangakhed District Parbhani by order dated 20<sup>th</sup> September, 2021. While granting bail, it was observed that the victim was admitted to the Hospital on 01.09.2021 and discharged on 03.09.2021. There is nothing on record to show that victim is serious.

4. Contention of the applicants is that the applicants are falsely implicated in this case on account of political rivalry. Grandmother of applicant No.1 had contested the election of Municipal Council against the complainant in which she was defeated.

5. Learned APP submitted that the victim had suffered three injuries. First injury is CLW on left iliac fossa region, 2nd injury is swelling of hematoma and the third injury is abrasion. All the injuries are of simple nature.

6. The accused to whom role of assault by knife was attributed has been arrested and granted bail. It is pertinent to note that the first information report has been registered on the basis of statement of the

complainant recorded on 02.09.02021. There is no explanation as to why the statement was recorded belatedly although the incident is of 31.08.2021.

7. In the light of aforesaid factual aspects, relief can be granted to the applicant under section 438 of the Cr.P.C. Hence, I pass the following order :-

**ORDER**

- i. Anticipatory Bail Application No. of is allowed;
  - ii. In the event of arrest of the applicant in Crime No.203/2021 registered with Palam Police Station, District Parbhani, the applicant be released on bail on executing PR bond in the sum of Rs. 20,000/- with one or more sureties in the like amount;
  - iii. The applicant shall attend the investigating officer on 1st, 2nd, 3rd December, 2021 between 11.00 a.m. to 1.00 noon and thereafter as and when called for till filing of the charge sheet.
  - iv. The applicant shall not tamper with the evidence.
8. Anticipatory Bail Application stands disposed of accordingly.

(PRAKASH D. NAIK, J.)

JPC