

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

ANTICIPATORY BAIL APPLICATION NO. 1210 OF 2021

Swapnil Milind Pagare, ... **Applicant**
Age 28 years, Occu: Education,
R/o Old Power House Road,
Bhimnagar, Chalisgaon, Dist. Jalgaon

VERSUS

1. The State of Maharashtra, ... **Respondent**
Through Police Station Incharge,
Dhule City Police Station, Dhule

Mr. Ujwal S. Patil, Advocate for the applicant,
Mr. S. B. Narwade, A.P.P. for the State.

CORAM : PRAKASH D. NAIK, J.

DATE : 17th November, 2021

ORDER:

1. The First Information Report (for short, "F.I.R.") was lodged on 4th August 2021 vide CR No. 407/2021 for the offences punishable under Sections 324, 323, 504, 506 read with Section 34 of the Indian Penal Code (for short, the "I.P.C.").

2. The case of the complainant is that, there is matrimonial dispute between the complainant and his wife. The proceedings are pending before the Court at Dhule. The complainant had attended the Court. The applicant is brother of complainant's wife. Acused had demanded Rs. 10,00,000/- from the complainant for separation. It is also alleged that the applicant assaulted the complainant with stick.

Report was submitted by Police Station to the Court on 31st August 2021 indicating that the nature of injury sustained by the complainant was grievous and hence Section 326 of the I.P.C. has been added.

3. It is apparent that Section 326 of the I.P.C. was added after a period of 25 days from the date of the incident. The alleged incident had occurred on 4th August 2021. The F.I.R. was lodged on 5th August 2021 at 22.15 hours. It is apparent that the matrimonial dispute is pending between the complainant and his wife. The applicant is brother of the wife of complainant. The contention of the applicant is that he has been falsely implicated. He was not even present at the scene of offence.

4. Learned A.P.P. submits that the injury certificate indicates fracture to the wrist of the complainant and nature of injury is grievous. Investigation is in progress. Specific role has been attributed to the applicant. Wooden log is required to be recovered from him. He is involved in assaulting the complainant.

5. As stated above, it is apparent that there is matrimonial dispute between the complainant and his wife and the proceedings are pending before the appropriate Court. Looking at the nature of dispute, custodial interrogation of the applicant is not necessary.

6. The applicant was granted interim protection by order dated 14.12.2021 with directions to appear before the Investigating Officer on

20th, 21st and 22nd October, 2021. Learned counsel for the complainant submitted that the applicant has complied with the direction of reporting to Investigating Officer.

7. In view of the aforesaid circumstance, the interim protection granted to the applicant can be confirmed. Hence, I pass the following order :-

ORDER

- i. Anticipatory Bail Application No. 1210 of 2021 is allowed.
- ii. In the event of arrest of the applicant in Crime No.407/2021 registered with Dhule City Police Station, District Dhule, 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.
- iii. This applicant shall appear before Investigating Officer as and when called for till filing of the charge-sheet.
- iv. Anticipatory Bail Application stands disposed of accordingly.

(PRAKASH D. NAIK, J.)

JPC