

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

ANTICIPATORY BAIL APPLICATION NO. 1297 OF 2021

Adinath s/o Vitthal Shinde, ... **Applicant**
Age 36 years, Occu: Agriculture,
R/o Kangoni, Tq. Newasa,
District Ahmednagar

VERSUS

The State of Maharashtra, ... **Respondent**
Through Investigating Officer,
Shingnapur Police Station,
Tq. Newasa, Dist. Ahmednagar

Mr. H. D. Deshmukh, Advocate for the applicant,
Mr. A. V. Deshmukh, A.P.P. for the State.

CORAM : PRAKASH D. NAIK, J.
DATE : 30th November, 2021

ORDER:

1. The applicant is apprehending arrest in connection with Crime No. 97-2021 registered with Shingnapur Police Station, Tq. Newasa, District Ahmednagar for the offences punishable under Sections 323, 324, 504, 506, 326F r/w section 34 of the Indian Penal Code.
2. The First Information Report (for short "FIR") was lodged by Karbhari Yadav Shinde on 20.08.2021. It is alleged that on 14.08.2021, at about 7.30 p.m., Adinath Vitthal Shinde (applicant) visited the house of complainant and informed him that his son is abusing them. Thereafter the complainant found that his son Yogesh had sustained

injuries on knee and head. On enquiry with him, he informed that while the applicant accused was proceeding on motorcycle, he told him that he should not go through their cowshed. The applicant accused and his father Vitthal Maruti Shinde approached the injured. They were armed with stick. Vithal Shinde caught him and applicant assaulted him with stick by giving blows on his head, knee and shoulder. The injured was taken to Hospital. He was admitted at Surbhi Hospital, Ahmednagar. FIR was registered on 20th August, 2021. Statement of the injured was recorded on 21.08.2021.

3. Learned Advocate for the applicant submitted that injured and the applicant are cousins. The applicant is falsely implicated in this case. Father of the applicant is arrested and granted anticipatory bail. Say filed by the police before the Sessions Court indicate that weapon was recovered at the spot and there is delay in lodging the FIR. There are no criminal antecedents against the applicant.

4. Learned APP submits that offence under section 326 IPC was added subsequently on the basis of medical report. The injury certificate indicate that injured had suffered grievous injury to right patella.

5. Incident in question had occurred on 14th August, 2021. According to the complainant, the applicant had visited his house and informed him that injured has been abusing his family. Thereafter the injured was found lying in injured condition. It is not clear as to why

the FIR was registered on 20th August, 2021. There are no criminal antecedents against the applicant. Weapon is already recovered. Assault is by stick. The incident had occurred on account of quarrel between injured and the applicant.

6. Considering the factual aspects of the matter, the applicant need not be subjected to custodial interrogation. Hence, I pass the following order :-

ORDER

- i. Anticipatory Bail Application No. 1297 of 2021 is allowed;
 - ii. In the event of arrest of the applicant in Crime No. 97-2021 registered with Shingnapur Police Station, Tq. Newasa, District Ahmednagar, the applicant be released on bail on executing PR bond in the sum of Rs. 25,000/- with one or more sureties in the like amount;
 - iii. The applicant shall attend the investigating officer on 9th and 10th December, 2021 between 11.00 a.m. to 1.00 noon.
7. Anticipatory Bail Application stands disposed of accordingly.

(PRAKASH D. NAIK, J.)

JPC