

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

ANTICIPATORY BAIL APPLICATION NO. 1319 OF 2021

1. Gajanan s/o Ramkrushna @ Ramkisan Dalvi ... **Applicants**
Age 25 years, Occu: Education,

2. Ankush s/o Shamrao Munkule
Age 22 years, Occu: Agri. & Education

Both R/o Manapur tq. Bhokardan,
District Jalna.

VERSUS

The State of Maharashtra, ... **Respondent**
Through Police Station Officer,
Bhokardan Police Station,
Tq. Bhokardan Dist. Jalna

Mr. P. P. More, Advocate for the applicants,
Mr. A. S. Shinde, A.P.P. for the State.

CORAM : PRAKASH D. NAIK, J.

DATE : 26th November, 2021

ORDER:

1. The applicants are seeking pre-arrest bail in Crime No.360 of 2021 registered with Bhokardan Police Station, District Jalna for the offences punishable under Sections 329, 323, 504, 506 read with 34 of the Indian Penal Code.

2. The complainant has alleged that on 12th October, 2021 he was assaulted by Yogesh Dound and two unknown persons. Yogesh Dound

has assaulted by using stick. Blow was given on his wrist which has resulted in fracture. Unknown persons were involved in assault by kick and fist blows.

3. Learned counsel for the applicants submitted that Yogesh Dound has been arrested. The applicants were not named in the FIR. The applicants were not armed with any weapon.

4. Learned APP submits that during interrogation of the co-accused, it was disclosed that two unknown persons involved in the incident were the applicants and they were involved in assaulting the injured. The complainant had sustained three injuries. Out of them, one is grievous and two are the simple injuries. First injury is to the wrist which is of grievous nature and other two injuries are contusions which are of simple nature. Apart from the complainant, there are witnesses to the incident. During the course of investigation, involvement of the applicants was disclosed by co-accused.

5. From the first information report, it is apparent that role of assault by stick was attributed to Yogesh Dound. Grievous injury was suffered by the complainant on his wrist. Unknown persons were not armed with any weapon. In the circumstances, the applicants need not be subjected to custodial interrogation.

6. Hence, I pass the following order :-

ORDER

- i. Anticipatory Bail Application No. 1319 of 2021 of is allowed;
- ii. In the event of arrest of the applicants in Crime No.360/2021 registered with Bhokardan Police Station, District Jalna the applicants be released on bail on executing PR bond in the sum of Rs. 25,000/- each, with one or more sureties in the like amount;
- iii. The applicants shall report the investigating officer on 6th, 7th and 8th 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 applicants shall not tamper with the evidence.
- v. Anticipatory Bail Application stands disposed of accordingly.

(PRAKASH D. NAIK, J.)

JPC