

TRUPTI
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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

ANTICIPATORY BAIL APPLICATION NO. 2704 OF 2021

Dagadu Kondaji Karnar ...Applicant

Versus

The State of Maharashtra ...Respondent

.....
Mr.Mahendra N. Sandhyanshiv for the Applicant.
Mr. Ameet Palkar, APP for the Respondent –State.

.....
CORAM: V.G.BISHT, J.
DATE: 29TH NOVEMBER, 2021

PC:-

1. The present application has been moved by the applicant under Section 438 of the Code of Criminal Procedure apprehending arrest under Sections 307, 143, 147, 148, 149, 324, 323, 504 and 506 of the Indian Penal Code (the IPC) registered vide C.R. No. 130 of 2021 with Wadner Khakurdi Police Station, Malegaon, Nashik.

2. On 19th September, 2021, while informant and others were sitting outside the house, accused Traymbak Dagadu

Karnar (A-1), Dagadu Kondaji Karnar (A-2)- present applicant, Somnath Dagadu Karnar (A-3), Vishal Chintaman Karnar (A-4), Khushal Chintaman Karnar (A-5), Ganesh Bura Karnar (A-6), Hiranman Mahadu Karnar (A-7), Ramesh Bhura Karnar (A-8) and Gopal Shiva Karnar (A-9) all of a sudden came and started telling informant that the way passes through their field and they would not allow him (informant) to go through the said way. They also started abusing and threatening. It is alleged that accused Traymbak Dagadu Karnar and Somnath Dagadu Karnar then gave a blow of an axe on the head of informant. Similarly, the father of informant, namely, Tryambak Shankar Tile was assaulted by applicant and Traymbak Karnar by means of iron rod on his head and thus tried to kill him. Similarly, accused Traymbak Dagadu Karnar gave a blow of an axe on the head of father of informant and his parents were also assaulted by accused Vishal Chintaman Karnar and Khushal Chintaman Karnar. Informant accordingly lodged the report.

3. Mr.Sandhyanshiv, learned Counsel for the applicant, submits that the only role attributed to the present applicant is that he had assaulted informant's father by means of iron rod. Having regard to the role attributed, all the injuries sustained by informant's father and the fact that no criminal antecedents are forthcoming, the applicant deserves to be given the benefit of anticipatory bail.

4. Mr.Palkar, on the other hand, submits that the accused assaulted informant and his family members by various weapons. Informant's father sustained grievous injury. Investigation is in progress and this being so, the application needs to be rejected.

5. Perused the First Information Report. I have also gone through the medical certificate submitted today before me by learned APP. It appears that there is dispute between the parties over way which passes through the land of applicant/accused and because of this, the alleged incident

took place. The medical certificate pertaining to the father of informant shows that he had sustained CLW bone depth over right franto parietal area and CLW of bone depth over forehead frontal region.

6. It is also seen from the FIR that only a single blow was allegedly given by the applicant on the head of the father of informant. The injury sustained by him was grievous in nature.

7. Having regard to the facts and circumstances of the case, in my considered opinion, there is no necessity of custodial interrogation and the application can be allowed with certain conditions. Hence, I pass the following order :

ORDER

- (i) The application is allowed.
- (ii) In the event of arrest of the applicant in C.R.No. 130 of 2021 registered with Wadner Khakurdi Police Station, Malegaon for the offences punishable under Sections 307, 143, 147, 148, 149, 324, 323, 504 and

506 of the IPC, the applicant be enlarged on bail on his furnishing PR & SB in the sum of Rs. 20,000/- with one or two surety/sureties in like amount.

(iii) The applicant shall attend the concerned police station on every Monday in between 11.00 a.m. to 2.00 p.m. for a period of three months.

(iv) The application stands disposed of accordingly.

(V.G.BISHT, J.)