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

ANTICIPATORY BAIL APPLICATION NO. 2563 OF 2019

Himmat Trimbak Patil & anr. Applicants
Vs.
The State of Maharashtra Respondent

Mr.Mahendra N. Sandhyanshiv, for the Applicants.
Smt. Veera Shinde, APP for the Respondent – State.

CORAM : M. S.KARNIK, J.

DATE : 07th AUGUST, 2021

P.C. :

. Heard learned Counsel for the applicants. The applicants are seeking pre-arrest bail in respect of C.R. No. I-249/2019 registered with Malegaon Taluka Police Station for the offences punishable under Sections 326, 323, 504, 34, 427 of Indian Penal Code. Applicant No.1 is the father of applicant No.2. Applicant No.2 married Umesh. There was some matrimonial discord between applicant No.2 and Umesh. It is alleged by the complainant Abasaheb Nimbaji Deore that on 07/10/2019 at about 9.30 a.m., applicant No.1 who is the father-

in-law of complainant's brother, accompanied with applicant No.2 and other relatives came to the house of the complainant. From the statement, it is seen that there were some discussions between the parties when applicant No.1 requested the in-laws of applicant No.1 not to ill-treat applicant No.2. There were some altercations in the course of which it is alleged that applicant No.1 and Nitin (brother of applicant No.2) tried to assault the complainant with a log. The injury certificate reveals that there is a fracture to the ribs of the Abasaheb - complainant. Though it is mentioned that applicant No.1 & Nitin assaulted the complainant, however, it is seen from the statement of witnesses that the injury is attributed to Nitin. I am informed that Nitin has been released on regular bail.

2. The applicants were granted interim protection on 22/11/2019 by an order of this Court. Learned APP on instructions submits that the investigation is complete and charge-sheet will soon be filed. Considering the factual matrix and nature of allegations against the applicants, present application deserves to be allowed as custodial interrogation of the applicant, now is not necessary. Hence the following order.

ORDER

(i) Application is allowed.

(ii) In the event of arrest of the applicants in connection with C.R. No. I - 249/2019 registered with Malegaon Taluka Police Station, applicants be released on bail on their furnishing PR bond of Rs.25,000/- each with one or more sureties in the like amount.

(iii) The applicants shall report to the Investigating Officer as and when called for.

(iv) The applicants shall not tamper with the evidence or attempt to influence or contact the complainant, witnesses or any person concerned with the case.

(v) The applicants shall furnish any changed mobile number or report any change of his residential address to the Investigating Officer.

4. Application is disposed of.

(M.S.KARNIK, J.)