

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

ANTICIPATORY BAIL APPLICATION NO.30 OF 2022

- 1) Govind S/o Waman Ghule,
- 2) Balaji S/o Waman Ghule,
- 3) Vyankati S/o Waman Ghule,
- 4) Tirupati S/o Waman Ghule

...APPLICANTS

VERSUS

The State of Maharashtra

...RESPONDENT

...
Mr.Shrikrashna B. Solanke Advocate for Applicants.
Mrs.Vaishali Patil-Jadhav, A.P.P. for Respondent-State.
...

CORAM: SMT. VIBHA KANKANWADI, J.

DATE OF RESERVING ORDER : 10th FEBRUARY 2022

DATE OF PRONOUNCING ORDER : 11th MARCH 2022

ORDER :

1. The applicants are apprehending their arrest in connection with Crime No.357 of 2021 registered with Police Station, Ambajogai (Rural), Taluka-Ambajogai, District-Beed for the

offence punishable under Sections 324, 341, 327, 504 read with Section 34 of the Indian Penal Code.

2. Heard learned Advocate Mr. Shrikrahna Solanke for the applicants and learned APP Mrs. Vaishali Patil-Jadhav for the respondent – State. In order to cut-short, it can be stated that both the sides have made submissions in support of their respective contentions.

3. Perusal of the First Information Report (for short “FIR”) would show that it has been lodged by one Prabhu Dadarao Wanjari on 14th December 2021 in respect of an incident dated 16th November 2021. There appear to be some typographical mistakes in the printed format of the FIR supplied by the Police Station to the J.M.F.C. Court. But what could be gathered is that though complaint appears to have been taken on 17th November 2021, it was registered on 14th December 2021. Informant states that around 6.00 a.m. on 16th November 2011 he was proceeding from Maindwadi to Ghatnandur when he was obstructed by the applicants and he was assaulted on account of dispute in respect of pipeline. He was assaulted by iron rod causing fracture to his left hand and bleeding injury near his left ear. He became unconscious and fell down and then he states

that cash of Rs.6,000/- was taken away by the accused persons. His nephew, who arrived at the spot after about 15 minutes, made arrangements to take him to Government Hospital, Ambajogai and admitted him in the said Hospital.

4. Perusal of the injury certificate issued by S.R.T.R. Medical College and Hospital, Ambajogai would show that he has sustained blunt trauma to left forearm which was grievous injury. Abrasions to left knee, right knee, left ear are the simple injuries. Blunt trauma to chest and back are again simple injuries. It is noticed that there is fracture to left forearm. Statements of witnesses have been recorded. The panchnama of the spot shows that two pieces of iron rod were seized from the spot. No evidence appears to have been submitted to the Investigating Officer about the fact that the informant had cash of Rs.6,000/- in his pocket and he was taking it at 6.00 a.m. when he was proceeding for selling milk. But as regards that amount of Rs.6,000/- is concerned, no offence has been registered nor Section has been added.

5. Therefore, taking into consideration the evidence that has been collected up till now, and the fact that weapon already seized and there is one grievous injury, the physical custody of

the applicants is not required for the purpose of investigation. Thus, the application deserves to be allowed. Hence, following order is passed:-

ORDER

- i) Application stands allowed.
- ii) In the event of arrest of applicant No.1 – Govind S/o Waman Ghule, applicant No.2 – Balaji S/o Waman Ghule, applicant No.3 – Vyankati S/o Waman Ghule and applicant No.4 – Tirupati S/o Waman Ghule, in connection with Crime No.357 of 2021 registered with Police Station, Ambajogai (Rural), Taluka-Ambajogai, District-Beed for the offence punishable under Sections 324, 341, 327, 504 read with Section 34 of the Indian Penal Code, they be released on bail on PR Bond of Rs.20,000/- (Rupees Twenty Thousand) each with one solvent surety of Rs.20,000/- (Rupees Twenty Thousand) each.
- iii) Applicants shall attend Ambajogai (Rural) Police Station, Ambajogai on every Monday between 11.00 a.m. to 2.00 p.m. till filing of the charge-sheet and co-operate with the investigation.

iv) Applicants shall not tamper with the evidence of the prosecution.

v) Applicants shall not indulge in any criminal activity.

[SMT. VIBHA KANKANWADI , J.]

asb/MAR22