

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

**ANTICIPATORY BAIL APPLICATION NO.1547 OF 2021
WITH
CRIMINAL APPLICATION NO.187 OF 2022**

- 1) Murlidhar S/o Madhav Shinde,
- 2) Vikas S/o Murlidhar Shinde,
- 3) Akash S/o Vikas Shinde

...APPLICANTS

VERSUS

The State of Maharashtra

...RESPONDENT

...

Mr.N.B. Narwade Advocate for Applicants in Anticipatory Bail Application No.1547 of 2021.

Mr.N.T. Bhagat, A.P.P. for Respondent-State.

Mr.A.B. Jagtap Advocate for Applicant in Criminal Application No.187 of 2022, for assist to APP.

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CORAM: SMT. VIBHA KANKANWADI, J.

DATE : 14th FEBRUARY, 2022

ORDER :

1. Criminal Application No.187 of 2022 moved for assist to APP stands allowed and disposed of.

2. The applicants in Anticipatory Bail Application are apprehending their arrest in connection with Crime No.800 of 2021 registered with Pathardi Police Station, Taluka-Pathardi, District-Ahmednagar, for the offence punishable under Sections 326, 325, 324, 504, 506 read with Section 34 of the Indian Penal Code.

3. Heard learned Advocate Mr. Narwade for the applicants and learned APP Mr. Bhagat for the respondent – State well assisted by learned Advocate Mr. Jagtap for the informant. In order to cut-short, it can be stated that both the sides have made submissions in support of their respective contentions.

4. Perusal of the First Information Report would show that the same has been lodged by one Appasaheb Sakharam Shinde in respect of the incident that had allegedly taken place at about 4.00 p.m. on 18th October 2021. The role attributed to the present applicants is as follows:-

i) applicant No.1- Murlidhar Madhav Shinde : assault by axe on the head of the informant and assault by handle of axe on right hand of the informant causing fracture.

ii) applicant No.2 – Vikas Murlidhar Shinde : assault by axe on the head of Atul Shinde, son of the informant,

iii) applicant No.3 – Akash Vikas Shinde : assault by wooden stick to the wife of the informant on her hand causing fracture.

5. Police papers would show the statements of witnesses attributing specific role to the present applicants. The injury certificate of informant issued by Mauli Critical Care, Cardiac and Diabetic Hospital, Ahmednagar would show that he has sustained grievous injuries to his head as well as hand and probable weapon is stated to be sharp on head and blunt weapon on hand. Injury certificate of Atul - son of the informant shows one injury i.e. incised wound which was grievous and it was on the head. However, it appears that Sub-District Hospital, Pathardi has also given certificates in respect of Atul – son of the informant as well as Appasaheb i.e. informant and have more injuries separately stated and the same were prior to their treatment with Mauli Critical Care, Cardiac and Diabetic Hospital, Ahmednagar. Medical certificate of Shobha – wife of the informant shows fracture to wrist joint left hand. Therefore, prima facie, the medical evidence is corroborating to the oral statements. The physical custody of applicant Nos. 1 and 2 would be necessary taking into consideration the serious injuries those were caused by them with axe and also for recovery of the weapon. The investigation is still incomplete.

6. As regards applicant No.3 is concerned, the injury was to the wrist which could be covered at the most under Section 324 of the Indian Penal Code. If he is made available to the Investigating Officer, then the investigation as against him can proceed and therefore the interim protection granted earlier by this Court on 22nd December 2021 can be confirmed only in respect of applicant No.3. Hence the following order:

ORDER

i) Application in respect of applicant No.1 – Murlidhar S/o Madhav Shinde and applicant No.2 – Vikas S/o Murlidhar Shinde stands rejected. The interim protection granted earlier by this Court on 22nd December 2021 in favour of applicant Nos. 1 and 2 stands vacated.

ii) Application in respect of applicant No.3 is allowed. The interim protection granted earlier by this Court on 22nd December 2021 in favour of applicant No. 3 stands confirmed. It is thus clarified that in the event of arrest of applicant No.3 – Akash S/o Vikas Shinde in connection with Crime No.800 of 2021 registered with Pathardi Police Station, Taluka-Pathardi, District-

Ahmednagar, for the offence punishable under Sections 326, 325, 324, 504, 506 read with Section 34 of the Indian Penal Code, he be released on bail on PR Bond of Rs.20,000/- (Rupees Twenty Thousand) with one or more sureties in the like amount.

iii) Applicant No.3 shall attend Pathardi Police Station 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) Applicant No.3 shall not tamper with the evidence of the prosecution in any manner.

v) Anticipatory Bail Application No.1547 of 2021 stands disposed of accordingly.

vi) Criminal Application No.187 of 2022 stands disposed of.

[SMT. VIBHA KANKANWADI , J.]