

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

ANTICIPATORY BAIL APPLICATION NO.100 OF 2022

GOVIND KACHRU MORE AND OTHERS

VERSUS

THE STATE OF MAHARASHTRA

...

Mr. S.A. Gaikwad, Advocate for applicants

Mr. N.T. Bhagat, APP for the respondent

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CORAM : SMT. VIBHA KANKANWADI, J.

RESERVED ON : 16th FEBRUARY, 2022

PRONOUNCED ON : 14th MARCH, 2022

ORDER :

1 The applicants are apprehending their arrest in connection with Crime No.2/2022 dated 02.01.2022 registered with Osmanpura Police Station, Tq. & Dist. Aurangabad, for the offence punishable under Section 324, 326 read with Section 34 of the Indian Penal Code, 1860.

2 Heard learned Advocate Mr. S.A. Gaikwad for applicants and learned APP Mr. N.T. Bhagat for the respondent. In order to cut short, it can be said that they have argued in support of their respective contentions.

3 Perusal of the First Information Report would show that the informant was son-in-law of applicant No.1 and relative of respondent Nos.2 and 3. Applicant No.1's daughter got married to the informant about 20 years ago. They have son aged 19 and in the First Information Report itself he has stated that he and his wife have got separation through Court about 10 years ago. His wife resides with her father and the informant's son. He states that he had received missed call from the mobile of his wife on 31.12.2021. When he had tried to contact her, she had not picked the phone and, therefore, he went to the house of his wife. He states that she had called him on the roof and, therefore, he went there and found that his wife was talking on phone with somebody. When he realized that his wife is not in a mood to speak, he was going downstairs. At that time, the sister-in-law of his wife i.e. applicant No.2 Vidya had sprinkled chilly powder on his face and then applicant Nos.3 and 1 had assaulted him by iron rod. He says that he had received severe injuries and became unconscious and he regained the consciousness in GHATI Hospital. Surprising to note that the wife of the informant, in this case i.e. wife of Ramesh Shirsath, had also lodged report vide Crime No.3/2022 with same Police Station under Section 307, 324, 504 of the Indian Penal Code, 1860 and under Section 135 of the Maharashtra Police Act, 1951. He has then stated that the informant i.e. Ramesh Sheshrao Shirsath had stabbed her in her stomach. Now, as regards the present case

i.e. Crime No.2/2022 is concerned, the injury certificate which has been produced shows that Ramesh Shirsath had received only one injury i.e. contused lacerated wound on head, which the Medical Officer found to be simple, but note has been taken that the patient was examined by him primarily and then referred to Surgery Department for further management. Therefore, as on today the injury that was sustained by the informant appears to be simple in nature. The question, therefore, arises, as to whether the Section 326 of the Indian Penal Code would get attracted. Nothing is required to be seized from the applicants, when it comes to simple hurt, though it is then stated that they had used iron rods.

4 When both i.e. husband and wife have admitted that there was divorce between them about 10 years ago, then, the question arises, how they could be remained in contact with each other, because none of them have stated that in pursuant to their child's demand they used to talk with each other. It appears that the enmity is still there and under such circumstance, the custody of the applicants is not necessary for the purpose of investigation. They deserve to be released on bail. Hence, following order.

ORDER

1 Application stands allowed.

2 In the event of arrest of the applicants viz. **1) Govind Kachru More, 2) Vidya w/o Samprati More** and **3) Samprati Govind More**, in connection with Crime No.2/2022 dated 02.01.2022 registered with Osmanpura Police Station, Tq. & Dist. Aurangabad, for the offence punishable under Section 324, 326 read with Section 34 of the Indian Penal Code, 1860, they be released on P.R. of Rs.30,000/- (Rupees Thirty Thousand only) each with two solvent sureties of Rs.15,000/- (Rupees Fifteen Thousand only) each.

3 The applicants shall not indulge in any criminal activity nor they should tamper with the prosecution evidence, in any manner.

4 They shall co-operate with the investigation.

5 Applicant Nos.1 and 3 should remain present before the Investigating Officer on every Monday between 11.00 a.m. to 02.00 p.m., till filing of the charge sheet.

(Smt. Vibha Kankanwadi, J.)