

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

ANTICIPATORY BAIL APPLICATION NO.1308 OF 2022

Hmahaboddin Mehtabsab Pandhare Applicant

Versus

The State of Maharashtra Respondent

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Mr. Sanket S. Palnitkar, Advocate for the Applicant

Mr. V.S. Badakh, APP for Respondent - State

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[CORAM : NITIN B. SURYAWANSHI, J.]

DATE : 11th NOVEMBER, 2022

ORDER :

1. The applicant, his wife and son are arrayed as accused in Crime No.140 of 2022 registered with Markhel Police Station, for the offences punishable under Sections 307, 323, 452, 506 read with 34 of the Indian Penal Code, at the instance of his real brother who has lodged the FIR in question.

2. Heard the learned advocate for the applicant and the learned Assistant Public Prosecutor for the respondent – State. Perused the police papers.

3. The allegations against the applicant are that he assaulted the informant and his son with a stick. Due to the

assault on the part of the applicant, the injured has suffered fracture to his right ulna.

4. There is a history of litigation and dispute of ancestral property between the informant and the applicant. The applicant is 72 years old. The stick used in the offence is already recovered. The investigation is almost complete. The applicant is a permanent resident of the address given in the cause title and there is no possibility that applicant would flee away from justice. In that view of the matter, applicant deserves protection.

5. The application is allowed in terms of interim order passed by this Court on 29th September, 2022. Till filing of charge-sheet, applicant shall attend the concerned police station as and when called by investigating officer. The applicant shall not tamper with the prosecution witnesses.

[NITIN B. SURYAWANSHI]
JUDGE

S.P Rane