

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO. 2152 OF 2021

Karbhari Kashiram @ Kashinath Ahire

and Ors.

..Applicants

V/s.

The State of Maharashtra

..Respondent

Mr. Vishal Kolekar i/b Kishan Chaudhari for the Applicants.

Mr. S.R. Agarkar, APP for the Respondent/State.

CORAM : C.V. BHADANG, J.

DATE : 25 FEBRUARY 2022

P.C.

1. The Applicants, apprehending their arrest, in connection with the investigation of Crime No.456 of 2021 registered with Chandwad Police Station, Dist. Nashik under Section 326, 324, 323, 504, 506 read with Section 34 of IPC, are seeking anticipatory bail.

2. The aforesaid crime is registered on the basis of the complaint lodged by Geetanjali Sonawane, who is the daughter-in-law of the injured Pandurang Ananda Sonawane. There was a prior incident on 08.07.2021 on account of the fact that according to the first informant, the Applicants were ploughing

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an alleged approach way of the informant through land gut No. 401 of the Applicants. The incident in question happened on 12.07.2021 at about 4.30 p.m. when the Applicants are alleged to have assaulted Pandurang Sonawane on account of the dispute as to the said approach road and abused him. A perusal of FIR shows that the assault by iron rod is attributed to Applicant No.2 Gorakh Ahire. Insofar as the Applicant No.1 and 3 are concerned, the allegation is that they assaulted by a stone and a stick. It appears from the medical report of Pandurang Sonawane that he had sustained one grievous injury on the head and two simple injuries. Prima facie, it can be seen that the head injury which is shown to be grievous is attributable to the assault by Applicant No.2 by iron rod. The Applicant No.1 who is the father of the Applicant Nos. 2 and 3, is stated to be aged 71 years. Interim protection is operating in favour of the Applicants from 15.09.2021.

3. In my considered view, Interim protection can be confirmed insofar as the Applicant No.1 and 3 are concerned.

4. In the result, the following order is passed:

ORDER

i) The application for anticipatory bail of Applicant No.2 Gorakh Karbhari Ahire is hereby rejected. Two weeks' time is granted to him to surrender before the Investigating Officer.

ii) In the event of their arrest, in connection with the investigation of Crime No.456 of 2021 registered with Chanchwad Police Station, Dist. Nashik, the Applicant No.1 **Karbhari Kashiram @ Kashinath Ahire** and Applicant No.3 **Mothabhau Karbhari Ahire** shall be released on bail on executing a PR Bond in the sum of Rs.25,000/- each with one or two solvent sureties each in the like amount.

iii) The Applicants shall report to the Investigating Officer on 3 and 4 March 2022 between 11.00 a.m. to 1.00 p.m. and as and when required by the Investigating Officer.

iv) The Applicants shall co-operate with the Investigating Agency and shall not tamper with the prosecution evidence/witnesses.

5. The Criminal application is disposed of accordingly.

(C.V. BHADANG, J.)