

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

CRIMINAL ANTICIPATORY BAIL APPLICATION NO. 2942 OF 2022

Tulshiram Rambhau Narute And Ors.	...Applicants
Versus	
State Of Maharashtra	...Respondent

....

Mr. Priyal Sarda i/by Mr. Anup Lahoti, Advocate for the Applicant.

Mr. N. B. Patil, APP for the Respondent – State.

Mr. A.S. Thorat, Walchandnagar Police Station.

CORAM	:	PRAKASH D. NAIK, J.
DATE	:	19th OCTOBER, 2022.

PER COURT:

1. The applicants are apprehending arrest in C.R. No.308 of 2022, registered with Walchandnagar Police Station for offences under Section 307, 326, 324, 323, 504, 506, 143, 147, 148, 149 of Indian Penal Code. The First Information Report (for short 'FIR') was registered on 5th July, 2022. Subsequently, Section 307 of Indian Penal Code was invoked.

2. From the contents of the FIR lodged by Dada Maruti Narute, it is apparent that the applicants were involved in the assault. The applicant No.1 Tulshiram Narute was armed with iron angle and he assaulted the complainant on his leg. Balu Dattu Narute armed with iron pipe and he is also involved in assault and Sachin Tulshiram Narute was armed with sickle who has allegedly given

blow on the head of the complainant and Shivaji Narute.

3. Cross case is registered from the side of the applicants vide C.R. No.313 of 2022 for offences under Sections 307, 326, 324 323, 504, 506, 143, 147, 148, 149 of Indian Penal Code.

4. Learned Advocate for the applicant submitted that the applicants are falsely implicated in this case. FIR was registered for offence under Section 307 of Indian Penal Code from applicants side. The FIR against the applicants was initially registered under Section 326 of Indian Penal Code. Subsequently, Section 307 was added.

5. Learned APP submitted that Tulshiram Narute has assaulted by iron angle which has resulted fracture in the leg. Sachin Narute had assaulted by sickle and there is corresponding injury on the head of the injured in the nature of injury to parietal region.

6. Considering the nature of injuries and the fact that there are cross cases, protection can be granted to Tulshiram Narute and Balu Narute. The applicant Sachin Narute is not entitled for relief under Section 438 of Cr.P.C.

7. Learned counsel for the applicant submit that he would withdraw the application qua applicant No.2 Sachin Narute.

ORDER

- i.** Anticipatory Bail Application No. 2942 of 2022 is partly allowed;
- ii.** The application of applicant No.1 and 3 is allowed and the application of applicant No.2 is allowed to be withdrawn.
- iii.** In the event of arrest of the applicants Tulshiram Narute and Balu Narute in connection with C.R. No.308 of 2022, registered with Walchandnagar Police Station, the applicants be released on bail on furnishing P. R. Bond in the sum of Rs.20,000/- each with one or more sureties in the like amount;
- iv.** The applicants shall attend the investigating officer on 1st, 2nd and 3rd November, 2022 between 11.00 a.m. to 1.00 noon and thereafter and when called for.
- v.** Leave to amend to correct prayer clause. Amendment may be carried out forthwith.
- vi.** Application stands disposed off.

(PRAKASH D. NAIK, J.)