

ANTICIPATORY BAIL APPLICATION NO.44 OF 2023

Versus

Mr. P.P. More, Advocate for applicants.
Mr. A.A. Jagatkar, APP for respondents.

■ ■ ■ ■ ■ ■ ■

DATE : 20th JANUARY, 2023

ORDER :

1. The applicants apprehend arrest in Crime No. 277 of 2022, registered with Killari Police Station, Latur for offences punishable under sections 326, 324, 323, 504, 506 read with 34 of the Indian Penal Code.

2. FIR is lodged by Nagesh Birajdar alleging that on 16.12.2022 at about 9.00 pm., when he along with his father were standing in front of their house, Shailesh Birajdar, Gajanan Birajdar, Dayanand Birajdar and Dhanraj Birajdar came there and started quarrelling and saying that why he had released animals in their agricultural land. Shailesh assaulted with stick on his

head and neck, due to which he received bleeding injury. Other accused persons abused and assaulted his father and mother with fists and kick blows.

3. Heard the learned advocate for the applicants and learned Additional Public Prosecutor for respondents. Perused the investigation papers.

4. In the FIR, role attributed to the present applicants is that they assaulted informant, his father and mother with fists and kick blows. Injury certificate of informant shows CLW over frontal parietal region, which is simple injury. Depressed fracture on frontal bone is also noticed, which is stated to be grievous injury. Said injury is attributable to accused Shailesh. Injury certificate of Mahadev shows blunt trauma on chest and both hands. Prima facie, these injuries cannot be said to be caused by the present applicants. Nothing is to be recovered from the applicant. Therefore, pre-trial custodial detention of applicants in the facts of the present case is not necessary.

5. In the result, application is allowed by confirming the interim protection.

6. Till filing of charge sheet, applicants shall attend the concerned police station as and when called by the investigation officer and shall co-operate in the investigation. The applicant shall not tamper the prosecution evidence. The applicants shall not indulge in similar offence.

[NITIN B. SURYAWANSHI, J.]