

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

ANTICIPATORY BAIL APPLICATION NO.71 OF 2023

Ganesh Kishanrao Thakre

...Applicant

Versus

The State Of Maharashtra And Another

...Respondents

Mr. S.G. Kawade, Advocate for applicant.

Mr. A.V. Deshmukh, APP for respondents.

Mr. D.M. Shinde, Advocate for assist to PP.

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[CORAM : NITIN B. SURYAWANSHI, J.]

DATE : 9th FEBRUARY, 2023

ORDER :

1. The applicant apprehends arrest in Crime No. 343/2022, registered with Hingoli Rural Police Station, for offence under sections 307, 324, 506 read with 34 of the Indian Penal Code.

2. FIR is lodged by Santosh Korde alleging that on 05.11.2022, at 11.30 in the night, Vijay Thakare's tractor was driven by applicant Ganesh Thakre. Vijay was tying cement pipe behind the tractor. Therefore, informant's tractor and motorcycle could not pass. Informant's cousin Parmeshwar got down from the tractor and requested the applicant and Vijay to take the

tractor on one side. An altercation occurred in between the applicant and Vijay on one side and Parmeshwar and informant on the other. Applicant assaulted Parmeshwar with iron rod and Vijay assaulted Parmeshwar with knife. Vijay also gave knife blow on the left hand of informant. Applicant assaulted with iron rod on thigh and shoulder joint of informant.

3. Heard the learned advocate for the applicant, learned Additional Public Prosecutor for respondents assisted by learned advocate Shri. D.M. Shinde. Perused the investigation papers.

4. Co-accused Vijay is arrested and weapons allegedly used in the crime are recovered. Injury certificate of informant shows that he has suffered CLW 3x2x1 cm, on left hypothenar aspect of hand, which is simple injury caused by hard and blunt object. Parmeshwar has received one stab injury on left back, 4 cm above spine, which is a grievous injury. Even co-accused Vijay has suffered CLW on right hypothenar aspect of right hand and abrasion on left parietal region, both are stated to be simple injuries.

5. Injury certificate of informant and Parmeshwar, prima facie, do not support the allegations against the applicant

that he assaulted with iron rod. Injuries in the injury certificates can be attributed to co-accused Vijay. It appears from the record that there was free fight between informant's side and applicant's side and persons from both the sides have received injuries.

6. Considering the fact that weapons are already recovered and as nothing is to be recovered from the applicant, pre-trial custodial detention of applicant in the facts of the present case is not necessary. In the result, application is allowed.

7. In the event of arrest of applicant in Crime No. 343/2022, registered with Hingoli Rural Police Station, for offence under sections 307, 324, 506 read with 34 of the Indian Penal Code, applicant shall be released on executing personal bond of Rs. 15,000/- with one surety in the like amount.

8. Till filing of charge sheet applicant shall attend the concerned police station as and when called by the investigation officer. Applicant shall not tamper the prosecution evidence.

[NITIN B. SURYAWANSHI, J.]