

**IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD**

928 ANTICIPATORY BAIL APPLICATION NO.530 OF 2023

Tatyarao Ganpati Kendre

...Applicant

VERSUS

1. The State of Maharashtra

2. The Superintendent of Police.

...Respondents

...
Advocate for Applicant : Mr.Jadhavar Santosh Sampatrao
APP for Respondent State : Ms. R.P.Gaur
...

**CORAM : R. G. AVACHAT, J.
DATE : 28.04.2023.**

PER COURT :

1. Heard.

2. The learned APP has strongest objection for granting the applicant anticipatory bail. According to her, the applicant is in Constabulary. A crime has been registered against him. He is keeping himself away from the judicial process. The injury No. 5 in the injury certificate is said to have been caused by the present applicant with 'Katti'. It was unlawful assembly formed by the applicants Nos. 5 and 6. The grievous injury is also

caused to the son of the informant. She, therefore, urged for rejection the application.

3. Perused the application. The applicant is alleged to have assaulted on the chest of the son of the informant with 'Katti'. The injury certificate indicates that the informant suffered 6 injuries. First one is grievous in nature. The same is attributed to the accused Ganesh. From the grievous injury on the chest of the victim, the learned APP may be justified in contending that the injury No. 5 which is on chest, must have been caused by the present applicant. The said injury is simple in nature. As such, if the individual role of the applicant is considered, it would be an offence punishable under Section 324 of the Indian Penal Code, which is bailable one. It is informed that, the applicant being in police service, if arrested, it will affect his service career. It is also informed that the relations of the family of the victim on one hand and that of the applicant on the other have not been on good terms. False implication therefore could not be ruled out. For all these reasons, the application is allowed in terms of the following order :

ORDER

- (a) The application is allowed.
- (b) In the event of arrest of the applicant, in connection with Crime No. 49 of 2022 registered with Jalkot Police Station, Tq. Jalkot, Dist. Latur for the offences punishable under Sections 326, 324, 323, 427, 143, 147, 148, 149, 504, 506 of the Indian Penal Code and under Section 135 of the Maharashtra Police Act, the applicant be released on executing P.R. bond in the sum of Rs.15,000/- (Rupees Fifteen Thousand) with surety in the like amount.
- (c) The applicant shall remain present before the Investigating Officer twice a week on every Monday and Tuesday by 12.00 noon, and whenever the Investigating Officer is required for investigation purpose for the period of next three months.
- (d) The applicant shall not tamper with the prosecution evidence.

(R. G. AVACHAT)
JUDGE

mahajansb/