

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

971 ANTICIPATORY BAIL APPLICATION NO.1001 OF 2023

- | | | |
|----|---------------------------------|----------------|
| 1. | Shital d/o Bhagwan Garkal | |
| 2. | Kantabai w/o Bhagwan Garkal | ...Applicants |
| | Versus | |
| | The State of Maharashtra & Anr. | ...Respondents |

...
Advocate for Applicants : Mr. Yogesh B. Bolkar
APP for Respondents: Mrs. Geeta L. Deshpande
...

CORAM : R. M. JOSHI, J.
DATE : 19th AUGUST, 2023

PER COURT :

1. Apprehending arrest in connection with Crime No. 0121/2023 registered with Chaklamba Police Station, Dist. Beed, for the offense punishable under Sections 307, 323, 326, 504, 506 r/w 34 of the Indian Penal Code, the applicants have approached this Court seeking pre-arrest bail.

2. Perusal of the FIR shows that the incident had occurred on 09.05.2023 at 10:00 a.m., wherein the informant and his wife were assaulted by the applicants and others. As far as present applicants are concerned, the allegation against them is that they

assaulted the wife of the informant with fist and kick blows. Except this allegation, there is no allegation against them.

3. Learned counsel for the applicants submits that, in respect of the same incident the counter complaint has been lodged. He submits that the custodial interrogation of the applicants is not necessary.

4. Learned APP opposed the application.

5. *Prima facie* perusal of the report lodged by the first informant shows that the allegations against the applicants are only of beating the wife of the informant by kick and fist blows. The offence lodged against them cannot travel beyond Section 323 of IPC. Nothing is to be recovered at their instance. Hence, the **application is allowed** in terms of the interim order passed by this Court vide order dated 28.06.2023.

[R. M. JOSHI]
JUDGE

SG Punde