

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

ANTICIPATORY BAIL APPLICATION NO. 1394 OF 2023

1. Laxmikant Machindra Chidrewar
 2. Jay Gajanan Chidrewar
 3. Ganesh Laxmikant Chidrewar
 4. Gajanan Machindra Chidrewar
- ... APPLICANTS

VERSUS

The State of Maharashtra
Through Police Station Udgir (City)

... RESPONDENT

Mr. S. G. Rudrawar, Advocate for the applicants
Mr. S. P. Sonpawale, APP for the respondent/State

CORAM : R. M. JOSHI, J.

DATE : 11th SEPTEMBER, 2023

P.C. :-

1. When this Court has shown its disinclination to grant relief to applicant No.2-Jay Gajanan Chidrewar, learned counsel for the applicant, on instructions, seeks leave to withdraw the application to the extent of applicant No.2. Application is dismissed as withdrawn to the extent of applicant No.2.

2. Other applicants are apprehend arrest in connection with Crime No.238/2023 registered with Udgir (City) Police Station, District Latur for the offences punishable under Sections 326, 324, 323, 504, 506 r/w 34 of IPC.

3. The report lodged by the first informant indicates that he had acquaintance with the girl and that she had called him to meet her at her house at around 1.00 a.m. on 25/07/2023. They met there. Thereafter the applicants came and started abusing and beating him. There is specific allegation that in the said assault fracture was caused to the left hand of the informant. He further claims that at around 3.00 p.m. he was taken to Udgir City Police Station from where he was referred for the medical treatment.

4. Learned counsel for the applicants states that there is delay in lodging FIR and the said report is by way of counter blast to the report lodged by the applicants. It is further submission that the grievous injury is not attributable to the present applicants.

5. Learned APP by relying upon the injury certificate it is argued that grievous injury was caused to the informant other than abrasion and contusion caused to him. It is his submission that certainly some incident has occurred and having regard to the nature of the offence, the anticipatory bail may be rejected.

6. In order to appreciate the allegations against the applicants this Court has to consider the circumstances in which the incident in question has occurred. From the first information report against the applicants as

well as the report lodged by the applicants clearly indicates that on 25/07/2023 at around 1.00 a.m. the informant herein had been to the house of the applicants to meet a girl. There is reason to believe that the applicants came to know about it and hence the incident in question has occurred. It therefore cannot be said that there was any pre mediation on the part of the applicants to cause assault on the informant. There is specific allegation against the applicant No.2 that he has caused assault on the left hand of the informant with iron rod and this has resulted into causing of fracture. The said allegations against applicant No.2 gets corroborated by the injury certificate. Thus, the grievous injury can be attributable to the applicant No.2 and not to the other applicants. Since the incident appears to have been spontaneous in nature, the common intention for causing such particular injury cannot be made attributable to the other applicants. In view of this, application is allowed to the extent of applicant Nos. 1, 3, and 4. Hence the following order:

ORDER

- (i) Application is allowed to the extent of applicant Nos. 1, 3 and 4.
- (ii) In the event of arrest of applicant Nos. 1, 3 and 4 in connection with Crime No. 238/2023, registered with Udgir (City) Police Station, Dist. Latur for the offences punishable under Sections 326, 324, 323, 504, 506 r/w 34 of IPC, they shall be released on bail on furnishing PR Bond of Rs.15,000/- (Rupees Fifteen Thousand only) each with one surety in the like amount.
- (iii) They shall attend the concerned police station once

in a week.

(iv) They shall not contact the witnesses directly or indirectly.

(v) They shall not interfere with the evidence in any manner whatsoever.

(vi) They are further directed to cooperate the investigating agency for further investigation.

(R. M. JOSHI, J.)

ssp