

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

ANTICIPATORY BAIL APPLICATION NO. 1577 OF 2023

1. Balaji Ramchandra Ghume
 2. Digambar s/o Muktiram Ghume
 3. Shivaraj s/o Hanumant Dongare
 4. Suresh s/o Balaji Ghume
- Applicants

Versus

The State of Maharashtra

Respondent

Mr. V. D. Gunale, Advocate for the applicants.
Mr. G. O. Wattamwar, APP for the State.

CORAM : R. M. JOSHI, J.
DATE : 27th OCTOBER, 2023.

PER COURT :

1. Applicants apprehend arrest in connection with Crime No. 373/2023 registered with Chakur Police Station, District Latur for the offences punishable under Sections 326, 324, 323, 143, 147, 148, 149, 504, 506 of Indian Penal Code.

2. When this Court has shown disinclination to grant relief in respect of applicant No. 1, learned counsel for the applicants, on instructions, seeks leave to withdraw application.

3. Application is dismissed as withdrawn qua applicant No. 1.

4. Informant Shivaji Kharose reported incident occurred on 26th August, 2023 at around 5.30 pm. It is alleged that the present applicants along with co-accused came to the spot with iron rods and sticks in their hands. In the said incident, informant and his mother were assaulted. Allegation is made against applicant No. 1 that he caused assault on the wrist of the mother of informant and caused fracture thereto.

4. Learned counsel for the applicants states that there is delay of five days in lodging of the report and considering the dispute between the parties, possibility of false implication cannot be ruled out. As far as applicants No. 2 to 4 are concerned, it is submitted that offence under Section 326 of Indian Penal Code does not get attracted to them.

5. Learned APP opposed the application by pointing out injury certificate as well as medical papers which indicate that the

informant and his mother were admitted in the hospital on 26th August, 2023 and they were discharged on 28th August, 2023. Thus, according to the prosecution, there is no inordinate delay in lodging First Information Report.

6. Even if it is accepted for the sake of argument that there is no deliberate delay in lodging of the First Information Report, as a matter of fact, report has been lodged after five days of the occurrence of the incident. First Information Report does not show that any injury was caused by these applicants to the informant or his mother attributing offence under Section 326 of the Indian Penal Code. Thus, offence alleged against them will not travel beyond Section 324 of the Indian Penal Code. Hence, application is allowed in terms of interim order qua applicants No. 2 to 4.

(R. M. JOSHI)
Judge