

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

ANTICIPATORY BAIL APPLICATION NO.1606 OF 2023

1. SAMBHAJI JAGDISH PAKHRE

2. SHAM SAHEBRAO PHALKE

VERSUS

THE STATE OF MAHARASHTRA AND ANOTHER

WITH

ANTICIPATORY BAIL APPLICATION NO. 1607 OF 2023

PRALHAD JAGDISH PAKHRE

VERSUS

THE STATE OF MAHARASHTRA AND ANOTHER

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Advocate for Applicants : Mr. A. D. Lipne

APP for Respondents: Mr. G. O. Watamwar

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CORAM : R.M. JOSHI, J

DATE : OCTOBER 11, 2023

PER COURT :

1. Heard. Issue notice to the Respondents, returnable forthwith. Learned APP waives service of notice on behalf of Respondent – State.

2. Applicants apprehend arrest in connection with with C.R. No. 214 of 2023 registered with Chaklamba Police Station, Dist. Beed for the offences punishable under Sections 326, 324, 323, 143, 147, 148, 149, 504 of the Indian Penal Code.

3. First information report is given by Bharat who claims occurrence of an incident on 20.07.2023 at around 06.30 pm. According to him, when he along with his friends were proceedings towards Grampanchayat Office, at that time present Applicants came and started abusing them. It is alleged that they started assaulting them with fist and kick blows. There is allegations against Pralhad that he assaulted informant on his head with the handle of axe whereas Sham assaulted on his nose with the same weapon. Allegation is also made against Sambhaji for causing injury to Manoj.

4. Learned Counsel for the Applicants submits that in fact the incident of 20.07.2023 had occurred in front house of Applicant Sambhaji. It is his submission that informant and others came to the spot with wooden sticks and sickle and assaulted informant. It is submitted that informant herein has criminal antecedents. Thus, according to him, this could be a case of false implication.

5. Learned APP opposed the application for grant of bail on the ground that recovery of weapon is yet to

be done. He also submitted that injury certificates indicates number of injuries caused on the person of informant and witnesses.

6. Filing of cross complaints indicates that some incident has definitely occurred on 20.07.2023. There is no dispute about the fact that more serious injuries are caused to the present Applicants side rather than the informant side. First report in this regard is lodged by the Applicant – Sambhaji. In his report, it is clearly stated that the incident has occurred in front of his house and that informant and others were aggressor. In the backdrop of these facts, if the injury certificates are perused, then it appears that all injuries caused to the informant and witnesses are simple in nature. Thus, it is difficult to attract provision of Section 326 of IPC to the present Applicants at this stage. Moreover, considering the disputes, false/over implication of Applicants cannot be ruled out.

7. As far as objection raised by the learned APP with regard to recovery of weapons is concerned, for the purpose of recovery, if any, Applicants shall be

treated in the custody of the police. In view of above, applications are allowed. Hence, the order:

O R D E R

- (i) In the event of arrest the Applicants in connection with with C.R. No. 214 of 2023 registered with Chaklamba Police Station, Dist. Beed for the offences punishable under Sections 326, 324, 323, 143, 147, 148, 149, 504 of the Indian Penal Code, 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.
- (ii) They shall attend the concerned police station once in fortnight till filing of the charge-sheet.
- (iii) They shall not contact the witnesses directly or indirectly.
- (iv) They shall not interfere with the evidence in any manner whatsoever.
- (v) They are further directed to cooperate the investigating agency for further investigation.

(R.M. JOSHI, J.)

Malani