

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

ANTICIPATORY BAIL APPLICATION NO.1653 OF 2023

PANDHARI DATTARAM LUTKE
VERSUS

THE STATE OF MAHARASHTRA AND ANOTHER

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Advocate for Applicants : Mr. V. S. Patil

APP for Respondents: Mr. S. W. Munde

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CORAM : R.M. JOSHI, J

DATE : OCTOBER 16, 2023

PER COURT :

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

2. Applicant apprehends arrest in connection with with C.R. No. 15 of 2023 registered with Umri Police Station, Dist. Nanded for the offences punishable under Sections 326, 336, 143, 147, 149, 504, 506 of the Indian Penal Code.

3. First informant gave report on 22.01.2023 in respect of incident occurred on 21.01.2023. It is stated that on the petty issue of watching of wrestling bouts there was quarrel between the informant and

accused persons. It is alleged that accused persons pelted stones at the son of the informant and in the said assault, he sustained serious injury to his head.

4. Learned Counsel for the Applicant submits that the incident has occurred on 21.01.2023 whereas report is lodged on 22.01.2023. It is submitted that there is no allegation of use of any weapon in the crime. According to him, the Applicant is working as a peon in the school and at the relevant time, he was on duty.

5. Learned APP opposed application by relying upon the injury certificate which indicates that grievous injury was caused to the son of the informant. According to him, having regard to the said injury Applicant is not entitled for grant of bail.

6. FIR indicates that there are dispute between the parties and quarrel occurred between them over petty issue. It is allegation that Applicant with 4-5 persons pelted stones at his son and a single injury is caused to him. The said injury definitely cannot be attributable to all accused. Nothing is to be recovered at the instance of present Applicant as no weapon is

involved in the said assault. There are no criminal antecedents against Applicant. Record placed before the Court *prima facie* indicates that the Applicant could be working at the relevant time.

7. Having regard to these facts, application is allowed. Hence, the order:

O R D E R

- (i) In the event of arrest of the Applicant in connection with with C.R. No. 15 of 2023 registered with Umri Police Station, Dist. Nanded for the offences punishable under Sections 326, 336, 143, 147, 149, 504, 506 of the Indian Penal Code, he shall be released on bail on furnishing PR bond of Rs. 15,000 (Rupees Fifteen Thousand Only) with one surety in the like amount.
- (ii) He shall attend the concerned police station as and when required.
- (iii) He shall not contact the witnesses directly or indirectly.
- (iv) He shall not interfere with the evidence in any manner whatsoever.
- (v) He is further directed to cooperate the investigating agency for further investigation.

(R. M. JOSHI, J.)

Malani