

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

ANTICIPATORY BAIL APPLICATION NO.1773 OF 2022

Madhav Raghunath Jantine ...Applicant

Versus

The State Of Maharashtra And Another ...Respondents

Mr. R.S. Shinde, Advocate for applicant.

Mr. V.S. Badakh, APP for respondents.

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[CORAM : NITIN B. SURYAWANSHI, J.]

DATE : 7th FEBRUARY, 2023

ORDER :

1. The applicant apprehends arrest in Crime No. 145/2022, registered with Jalkot Police Station, Latur, for offence under sections 307, 452, 326, 324, 504, 506 read with 34 of the Indian Penal Code.

2. FIR is lodged by Vitthal Jantine alleging that applicant is his real brother. The applicant, his wife, grand son and his brother's wife assaulted him on 28.05.2022, at about 2.00 pm, as the informant was repairing roof for seepage. The applicant tried to prevent him from doing so stating that he should not enter the portion of the applicant.

3. Heard the learned advocate for the applicant and learned advocate for the respondents. Perused the investigation papers.

4. For the incident dated 28.05.2022, FIR is lodged by Gawlanbai, brother's wife of the applicant against the informant, his wife and son, which is registered at Crime No. 90/2022, with Jalkot Police Station, under section 324, 354, 323 read with 34 of the Indian Penal Code. Injury certificate in that crime shows that Gawlanbai has suffered five simple injuries and Shivraj has suffered four simple injuries.

5. Present FIR is outcome of application filed by informant under section 156(3) Cr.P.C, before learned Judicial Magistrate First Class. There appears dispute between informant and the applicant in respect of boundary of their roof.

6. Supplementary statement of the informant is recorded on 25.08.2022 i.e. after three months of incident. Injury certificate of informant does not corroborate the allegations made in the FIR and in the supplementary statement. Injury certificate of informant shows that informant has suffered simple injuries.

7. Applicant was granted interim protection and was directed to co-operate in the investigation. The applicant has attended the police station and has co-operated in the investigation. Pre-trial custodial detention of the applicant, in the facts of the present case is not necessary. In the result, application is allowed.

8. In the event of arrest of applicant in connection with Crime No. 145/2022, registered with Jalkot Police Station, Latur, for offence under sections 307, 452, 326, 324, 504, 506 read with 34 of the Indian Penal Code, the applicant shall be released on bail on executing personal bond of Rs. 15,000/- with one surety in the like amount.

9. Till filing of charge sheet, applicant shall attend the concerned police station as and when called by the investigation officer and shall co-operate in the investigation. The applicant shall not tamper the prosecution evidence.

[NITIN B. SURYAWANSHI, J.]