



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

ANTICIPATORY BAIL APPLICATION NO. 2943 OF 2023

Rajendra Sukhadeo Thengal and Others ...Applicants

Vs.

The State of Maharashtra ...Respondent

Mr. Rupesh Zade, with Ms. Priyanka Gupta, for Applicants.

Mr. S. H. Yadav, APP for State.

Mr. G. H. Nimbalkar, PSI, Baramati City Police station,
Present.

CORAM:- N. J. JAMADAR, J.

DATED:- 20th OCTOBER, 2023

PC:-

- 1) Heard the learned counsel for the applicants and the learned APP for the State.
- 2) This application is preferred for pre-arrest bail in connection with C.R. No. 708 of 2023, registered with Baramati Police Station, for the offences punishable under Sections 324, 326, 504 and 506 read with Section 34 of Indian Penal Code, 1860 ("the Penal Code").
- 3) The applicants and the first informant share well water. On 15th September, 2023, an altercation ensued over the use of well

water to irrigate the land. The applicants allegedly assaulted the first informant Uttam Thengal and his son Hemant by means of deadly weapons.

4) The learned Counsel for the applicant submits that in respect of the very same occurrence, the son of applicant No. 1 – Vishal has lodged a report being CR No. 709 of 2023. The informant party was the aggressor.

5) I have perused the allegations in the FIR. The role of assault by means of scythe does not seem to be attributed to the applicants. Co-accused – Vishal allegedly gave a blow by means of the scythe on the head of Hemant.

6) I have perused the injury certificate of Hemant and the first informant. Both have sustained simple injuries. Thus, prima facie, an offence punishable under Section 326 of the Penal Code can not be said to have been made out.

7) I am, therefore, inclined to exercise the discretion in favour of the applicants.

8) Thus, the following order:-

ORDER

I) In the event of arrest of the applicants in connection with C.R. No. 708 of 2023, registered with Baramati Police Station, for the offences punishable under Sections 324,

326, 504 and 506 read with Section 34 of Indian Penal Code, 1860, the applicants be released on bail on executing a PR Bond in the sum of Rs.30,000/- with one or two sureties in the like amount.

II) The applicant shall co-operate with the investigation and attend Baramati police station, on 1st, 2nd and 3rd November, 2023 in between 10.00 am to 1.00 pm.

III) The applicants shall not tamper with the prosecution evidence and/or give threat or inducement to the first informant and any of the persons acquainted with the facts of the case.

IV) It is clarified that these *prima facie* observations are confined to determine the entitlement to pre-arrest bail only.

V) The application stands disposed.

[N. J. JAMADAR, J.]