

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

CRIMINAL APPLICATION (ABA) NO.306 OF 2023
Gajanan Anchiram Rathod Vs. State of Maharashtra

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's Orders.

Court's or Judge's orders.

Shri M.N. Ali, Advocate for applicant.

Shri A.M. Kadukar, APP for non-applicant/State.

CORAM : URMILA JOSHI-PHALKE, J.

DATE : JULY 13, 2023.

The present application is preferred by the applicant for grant of anticipatory bail in connection with Crime No.91/2023 registered with Police Station, Pophali, District Yavatmal for the offence punishable under Sections 326, 325, 427, 504 and 506 read with Section 34 of the Indian Penal Code.

2. The present applicant is the maternal-uncle of the wife of the injured. The allegations against the present applicant is that, on 13.04.2023, the applicant alongwith another co-accused assaulted the son of the informant namely; Vinod Ambadas Padhye. Due to the assault, the son of the informant has sustained fracture injury. On the basis of said report, the police have registered the crime against the present applicant.

3. As per contention of the applicant, there was matrimonial dispute between the injured and accused no.2 i.e. Swati Sushil Padhye. The present applicant is the maternal-uncle of said Swati and therefore he is implicated

falsely. There are general allegations against the present applicant. The co-accused – Prafulla Jogdand against whom similar allegations are made is released on anticipatory bail by the Sessions Court. As per allegations, no weapon is attributed to the present applicant and therefore his physical custody is not required and hence interim protection granted be confirmed.

4. The said application is strongly opposed by the State on the ground that the injured has sustained grievous injury like fracture. The custodial interrogation of the applicant is required and hence prays for rejection of the application.

5. Heard learned counsel for the applicant Shri M.N. Ali. He reiterated the contention and submitted that Prafulla Jogdand against whom similar allegations made is already released on anticipatory bail. Similar allegations are made against the present applicant also. The FIR is rather belatedly i.e. after seven days. The custody of the present applicant is not required as nothing is required to be recovered from him.

6. Whereas, the learned APP Shri A.M. Kadukar submitted that considering the nature of injuries sustained by the injured and custodial interrogation of the present application is required and prays for rejection of the application.

7. Having heard both sides and on perusal of the record

produced before me, it appears that the present crime is offshoot of matrimonial dispute between the injured and his wife. The present applicant is nearest relative of the wife of the injured. Number of complaints were lodged against each other by them. Learned APP submitted that the son of the informant has sustained grievous injury in the nature of fracture. After perusing the recitals of the FIR, it reveals that general allegation is made against the present applicant similar to the co-accused Prafulla Jogdand. Considering the same and nothing is to be recovered from the applicant and as far as interrogation is concerned, that can be taken care of by imposing certain conditions. In view of that, the interim relief granted to the present applicant deserves to be confirmed by passing following orders:

- (i) The interim protection granted on 12.05.2023 is hereby confirmed on he executing PR bond in the sum of ₹15,000/- with one solvent surety of the like amount.
- (ii) The applicant shall attend the Police Station, Pophali, District Yavatmal as and when required for investigation purpose.
- (iii) The applicant shall not tamper prosecution evidence or shall not induce, threaten or pressurize any witnesses, who are connected with the crime.

With this, the criminal application is disposed of.

JUDGE

Wagh