



IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

ANTICIPATORY BAIL APPLICATION NO. 370 OF 2024

Shankar Anna Shinde And AnotherApplicants
VERSUS
The State Of Maharashtra And AnotherRespondents

.....
Mr. Suvidh Kulkarni, Advocate for applicants.
Mr. N.B. Patil, APP for respondents.

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[CORAM : NITIN B. SURYAWANSHI, J.]

DATE : 12th MARCH, 2024

ORDER :

1. Applicants apprehend arrest in C.R. No. 17 of 2023, registered with Tirthpuri Police Station, Dist. Jalna, for offences punishable under sections 326, 325, 323, 427, 504, 506 r/w 34 of Indian Penal Code.
2. FIR is lodged by Shiva Shankar Shinde alleging that while he was sitting on a platform attached to his house, accused persons obstructed him and told him not to construct the house. Then they started pulling down the walls constructed. When informant tried to prevent them from doing so, they assaulted him with bricks on head, forehead, nose and face. His family members were also assaulted with fists and kick blows.
3. Heard learned advocate for applicants and learned APP for respondents. Perused the investigation papers.

Bhagyawant Punde

4. Learned advocate for applicants submits that the brick allegedly used in the assault is already recovered and therefore, custody of applicants is not necessary. He further submits that section 326 is added subsequently after a lapse of seven months.

5. Learned APP has strenuously opposed the application contending that serious offence is committed by applicants, in which informant has suffered grievous injuries including fracture.

6. Perusal of papers of investigation show that incident in question is witnessed by family members of informant. As per injury certificate informant has suffered following injuries.

- i) *Contused lacerated wound on frontal region of head.*
- ii) *Contused lacerated wound on middle aspect of forehead.*
- iii) *Contused lacerated wound over nose (tip).*

7. In the assault by applicants, informant has suffered fracture of bilateral nasal bone. Taking into consideration the allegations made in the FIR and complicity of applicants in the present crime, they do not deserve discretionary relief of anticipatory bail. Application is therefore rejected.

[NITIN B. SURYAWANSHI, J.]