



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

**40 ANTICIPATORY BAIL APPLICATION NO. 838 OF 2024**

1. Baban Kachru Shelute
2. Suresh Baban Shelute

..APPLICANTS

-VERSUS-

1. The State of Maharashtra
2. The Superintendent of Police

..RESPONDENTS

Advocate for Applicant : Mr. Kawade Shrikant G.  
APP for Respondent/State: Ms.R.P. Gaur

CORAM : **SHIVKUMAR DIGE, J.**

DATE : 10<sup>th</sup> June, 2024.

**P.C.:**

1. The applicants apprehend arrest in connection with FIR No.140 of 2024 registered with Police Station, Gondi, Tq. Ambad, Dist. Jalna, for the offences punishable under sections 326, 324, 323, 504, 506 read with 34 of the Indian Penal Code (For short, "IPC").
2. It is the prosecution case that first informant Sanjay Waghchaure reported to the Police that on 19<sup>th</sup> April, 2024 at around 12.30 hours when he was at his home he received the phone call from his daughter Sonali. She told that her in-laws assaulted her, hence she is going to commit suicide by drinking medicine. She further told that if first informant did not come early she would commit suicide. Thereafter, the first informant, his son Ganesh and their acquaintance Santosh Malgan went to matrimonial home of Sonali i.e. at Dhahyala,

Tq.Ambad at around 3.00 p.m. At that time, applicant no.1 father-in-law of Sonali and applicant no.2 husband of Sonali abused the first informant. Applicant no.2 assaulted the first informant with blow of axe on his head. Due to assault, first informant sustained injury on head and he fell on the ground. At that time, applicant no.1 assaulted first informant with iron rod on his left lower leg. Due to which his lower leg fractured. It is alleged that applicant no.1 also assaulted Santosh with iron rod on his back. It is alleged that both the applicants assaulted Ganesh with fists and kick blows. Thereafter, the first informant, his son and acquaintance rescued themselves from the clutches of applicants and they got admitted themselves in GHATI hospital, Chhatrapati Sambhajinagar. After treatment, the police complaint was lodged against the applicants.

3. It is contention of the learned counsel for the applicant that the incident happened on 19<sup>th</sup> April, 2024 whereas the F.I.R. is lodged against the applicants on 29<sup>th</sup> April, 2024. There is 10 days delay in lodging the F.I.R. The learned counsel further submitted that applicant no.1 lodged F.I.R. against the first informant on 20<sup>th</sup> April, 2024 alleging that the first informant and others assaulted the applicants. F.I.R. is registered against them under sections 324, 323, 504, 506 read with 34 of the Indian Penal Code. The learned counsel further submitted that to counter the F.I.R. lodged by the applicant no.1, the false report was given to the police and on that basis, the F.I.R. is registered

against the applicants. The applicants have been falsely implicated in the said crime. Applicant no.1 is more than 70 years old. No custodial interrogation of the applicants is required. Hence he requested to allow the application.

4. It is the contention of the learned APP that the incident is happened on 19<sup>th</sup> April, 2024. Due to injuries sustained by the first informant, he was admitted in GHATI hospital, Chhatrapati Sambhajinagar on the same day. The hospital papers show that there was fracture to the left lower leg of informant. There was injury on the head of the first informant. The medical papers supports the case of the informant. After discharge from the hospital, the F.I.R. is lodged against the applicants, so there is no delay in lodging the F.I.R. Custodial interrogation of the applicants is required as the police has to recover the weapons used in the crime. Hence, she requested to reject the application.

5. I have heard both the learned counsel. Perused the F.I.R. and police papers produced on record.

6. Admittedly, applicant no.1 has lodged the complaint against the first informant on 20<sup>th</sup> April, 2024 alleging that on 19<sup>th</sup> April, 2024, the first informant and his son assaulted applicant no.1 with wooden stick. The applicants are admitting about the happening of the incident. The medical papers of the Government Hospital produced on record show that the first informant was admitted in the hospital and in the history of

injury, it is mentioned about the assault. These medical papers show that there was Grad I compound traumatic midshaft tibia fracture of left leg and there was injury on head of informant. The medical papers also show that there was injury to Mr.Santosh, a person accompanied with the first informant. These medical papers support's the prosecution case. It is alleged that applicant no.1 had assaulted the first informant with iron rod and applicant no.2 has assaulted first informant with axe. The custodial interrogation of the applicants is required for recovery of the weapons. Though the learned counsel for the applicant submits that age of applicant no.1 is more than 70 years but in the title clause of the application, age of applicant no.1 is mentioned as 60 years. Considering above reasons, I pass following order :-

**ORDER**

- (i) The application is rejected.

[ SHIVKUMAR DIGE, J. ]