



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

66 ANTICIPATORY BAIL APPLICATION NO. 1008 OF 2024

1. Tukaram Asaram Shinde
2. Avinash Tukaram Shinde

..APPLICANTS

-VERSUS-

1. The Superintendent of Police
2. The Police Inspector

..RESPONDENTS

Advocate for Applicant : Mr. Wakale Vijay Shivaji
APP for Respondent/State : Ms.R.R. Tandale

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CORAM : **SHIVKUMAR DIGE, J.**

DATE : 29th July, 2024.

P.C.:

1. The applicants apprehend arrest in connection with F.I.R. No.0302 of 2024 registered with Taluka Jalna Police Station, Dist.Jalna, for the offences punishable under sections 143, 147, 149, 326, 323, 504 and 506 of the Indian Penal Code (For short, "IPC").
2. It is the prosecution's case that on 13th May, 2024 at around 5:30 p.m, when the informant had gone into his field to check about his crops along with his daughter, at that time, the applicants along with other co-accused came there and assaulted them on the ground that the said field belongs to them. It is alleged that applicant no.1 assaulted the informant with wooden stick on his back whereas applicant no.2 assaulted the informant on the head with axe. Other co-accused assaulted the brother of the informant with fist and kick blows.

3. It is the contention of the learned counsel for the applicants that the applicants have been falsely implicated in this case. The injuries sustained by the informant and his brother are simple in nature. Applicant no.2 is student. He has been falsely implicated in this case. Considering the allegations against the applicants, the custodial interrogation of the applicants is not required, hence requested to allow the application.

4. It is the contention of the learned APP that the applicants along with co-accused assaulted the informant with axe. Informant was admitted in the hospital for 10 days. The axe used in the crime is required to be seized, hence custodial interrogation of the applicants is required and 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. The allegations against applicant no.1 are that he assaulted the informant with wooden stick on his back. The allegations against applicant no.2 are that he assaulted the informant with axe on his head. The injury certificate of the informant produced on record shows that he has suffered simple injuries. Considering these aspects, custodial interrogation of the applicants is not required and I pass the following order :-

ORDER

(i) The application is allowed.

(ii) In the event of arrest of the applicants in connection with F.I.R. No.0302 of 2024 registered with Taluka Jalna Police Station, Dist.Jalna, for the offences punishable under sections 143, 147, 149, 326, 323, 504 and 506 of the Indian Penal Code, the applicants be released on executing personal bond in the sum of Rs.15,000/- each with one surety of the like amount by each of them, on the following conditions :-

(a) the applicants shall attend the concerned police station as and when required by the Investigating Officer.

[SHIVKUMAR DIGE, J.]

sga