



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

956 ANTICIPATORY BAIL APPLICATION NO. 1053 OF 2024

SANJAY @ BANTI DNYANDEV NIKALJE

VERSUS

THE STATE OF MAHARASHTRA AND ANOTHER

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Advocate for Applicant : Mr. Salunke Sudarshan J.

APP for Respondent/State : Ms.M.L. Sangit

Advocate for assist to P.P. : Mr. Kiran P. Rathod

...

CORAM : **SHIVKUMAR DIGE, J.**

DATE : 4th September, 2024.

P.C.:

1. The applicant apprehends arrest in connection with FIR No.0286 of 2024 registered with Jintur Police Station, Dist. Parbhani, for the offences punishable under sections 307, 326, 324 and 506 of the Indian Penal Code (For short, "IPC").

2. It is prosecution's case that on 13th May, 2024 around 9:30 p.m., when the informant and his brother were proceeding on road in front of Hero Showroom, Jintur, at that time, the applicant came there and told informant that why he took out the procession and on that account, he took out knife and gave blow on his waist. It is alleged that he again tried to give blow of knife on his neck, at that time, his brother prevented him. He ran away from the incident spot and while going he threatened to kill the informant.

3. It is contention of the learned counsel for the applicant that the applicant has been falsely implicated in this case. The applicant filed

criminal complaint against the informant. To counter the said complaint, the present complaint is filed. Injury suffered by the informant is simple in nature. The matter is settled between the informant and applicant. Considering the allegations against the applicant, the custodial interrogation of the applicant is not required and requested to allow the application.

4. It is contention of the learned APP that the applicant assaulted the informant with knife on his waist and he had tried to give blow of knife on his neck. He assaulted the informant with an intention to kill him. Considering the allegations against the applicant, the custodial interrogation of the applicant is required and requested to reject the application.

5. It is contention of the learned counsel for assist to P.P. that the matter is settled between the informant and applicant, hence the informant has no objection to allow the application.

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

7. The allegations against the applicant are that he assaulted the informant. He gave blow of knife on the waist of informant. He had tried to gave blow of knife on the neck of the informant. Injury certificate of the informant shows that he had suffered simple injury. Moreover, the matter is settled between the informant and applicant and the informant has no objection to allow the application.

Considering these facts, the custodial interrogation of the applicant is not required and I pass the following order :-

ORDER

- (i) The application is allowed.
- (ii) In the event of arrest of the applicant in connection with FIR No.0286 of 2024 registered with Jintur Police Station, Dist. Parbhani, for the offences punishable under sections 307, 326, 324 and 506 of the Indian Penal Code, the applicant be released on executing personal bond in the sum of Rs.25,000/- with one surety of the like amount, on the following conditions :-
 - (a) the applicant shall attend the concerned police station as and when required by the Investigating Officer.

[SHIVKUMAR DIGE, J.]

sga