



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

BAIL APPLICATION NO. 1535 OF 2024

PRAMOD KISHAN JONDHALE AND ANOTHER
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER

...
Advocate for Applicants : Mr. V. S. Wakale holding for
Mr. S. G. Ghongade
APP for Respondents : Mr. G. O. Wattamwar
...

CORAM : S. G. MEHARE, J.

DATE : 07-10-2024

PER COURT :-

1. Heard the learned counsel for the applicants and the learned A.P.P. for the respondents.
2. The applicants seek bail in C.R.No.0309 of 2024 registered with Mondha Police Station, Parbhani, Taluka and District Parbhani, for the offences punishable under Sections 307, 326, 504 read with Section 34 of the Indian Penal Code.
3. The first informant lodged the report after his discharge on 18.06.2024 about the incident of 13.06.2024 which was allegedly happened in the field. They had alleged against the applicants that they went in the field and assaulted the injured with axe and iron rod. Due to assault by the applicants to the injured, he lost his two teeth and suffered injuries on his nose and forehead. The weapons were recovered from the house of the applicants.

4. The applicants have a case that on the day of the incident, the applicants entered their home and broken the house utensils and a water tank. Therefore, in a scuffle, the injured felled down on the hard surface and suffered to the injuries. The wife of applicant No.1 had lodged report immediately to the police and narrated the entire incident. However, the police barely sent her to the hospital and did not take action. He also pointed that the police did not register the first information report promptly though they sent the injured to the hospital for treatment. They have also a case that they never assaulted the injured and caused injuries as alleged. The injured was aggressive. He created a nuisance and raised the quarrel entering their home. Hence, they deserve bail.

5. The learned A.P.P. for the respondents has submitted that the MLC was placed on record. The applicants were sent for medical treatment on the police requisition. The injured has a specific case that the applicants assaulted him with a deadly weapon and applicant- Pramod had broken his two teeth. The medical papers are attached with the investigation papers. The discharge card shows the history of the injuries. The offence is serious. The injured has an apprehension at the hands of the applicants. Hence, they do not deserve bail.

6. Perused the papers produced before the Court.

7. It seems to be an incorrect practice followed by the Police not to register the first information report immediately. After receiving the information, the police had sent the injured to the hospital with requisition and did not visit the hospital for recording the first statement of the injured though he was conscious.

8. It is experienced that the police wait till the injured get discharged and come to the police station and record statement. This is not the law of the investigation of the crime. The first statement of the person concerned has value. Delay in first information report may give a man time to cook a story. The police even did not visit the spot of the incident immediately after the incident. The requisition letter does not disclose the spot of the incident which appears to be a *prima facie* defect in this case. The wife of one of the co-accused was also injured. She alleged that it was arising out of the same incident. The spot inspection was done belatedly. It is explained that there was a rain; Hence, they could not see blood stains on the spot of the incident. In view of the stand of the applicants and absence of the inquiry by the prosecution on the complaint of the wife of one of the co-accused and completion of the material investigation of the applicants, it would be inappropriate to keep the applicants behind bar. Hence, the order:-

ORDER

- i) The bail application is allowed.

- ii) Applicants No. (1) Pramod Kishan Jondhale and (2) Harshad Pramod Jondhale be released on bail, on furnishing PB and SB of Rs.50,000/- each, with one solvent surety of the like amount, in the above crime for the aforesaid offences, on the conditions that,
- (a) They should not contact the victim or his relatives till the trial is concluded.
 - (b) They should attend the police station as and when called by the Investigating Officer on written notice, till filing the chargesheet.

(S. G. MEHARE)
JUDGE

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