



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

ANTICIPATORY BAIL APPLICATION NO. 1476 OF 2024
WITH CRIMINAL APPLICATION NO. 4137 OF 2024
IN ABA/1476/2024

MAROTI DHAMAJI @ THAMAJI GAVATE AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER

Mr. A. R. Hange h/f Mr. R. G. Hange, Advocate for the applicants
Ms. D. S. Jape, APP for the respondent/State
Mr. A. S. Jagtap h/f Mr. A. N. Nagargoje, Advocate for the informant

CORAM : R. M. JOSHI, J.

DATE : 4th OCTOBER, 2024

PER COURT :-

1. Applicants apprehend arrest in connection with Crime No. 240/2024 registered with Beed Rural Police Station, District Beed for the offences punishable under Sections 109, 118(2), 115(2), 126(2), 352, 351(2), 351(3), 3(5) of the Bharatiya Nyaya Sanhita.
2. First information report lodged by Babu Parbhale indicates that there are disputes between the parties over the land and civil proceedings are pending before the Court. On 25/07/2024 at about 3.30 pm when the informant alone was going towards Rajuri on his motorcycle, the applicants obstructed him. Applicant no.1 said to have slapped him. Thereafter applicant no.1 assaulted him with sickle. He sustained injury to his back. Similarly injury caused to his left hand.

Allegation against applicant nos. 2 and 3 is that they assaulted the informant with kick and fist blows.

3. Learned counsel for the applicants submits that the offence punishable under Section 109 of the Bharatiya Nyaya Sanhita is not applicable to the present case as there is no injury caused to the informant on the vital part of his body. It is his further submission that owing to the fact that there was a single injury, it can never be said that it is an attempt to kill him. He further submits that the parties have settled the dispute. This fact is accepted by the learned counsel for the informant.

4. Learned APP opposed the application by contending that there are statements of witnesses which indicate that the applicant no.1 has used sickle to cause assault on the informant which is further supported by the injury certificate.

5. *Prima facie* perusal of the record including the medical certificate does not show that this is the case of an attempt to commit murder. There is further no dispute about the fact that the parties have settled dispute between themselves. In such circumstances this Court finds no impediment in allowing the application. Hence, the application is allowed subject to applicants paying cost of Rs.5,000/-. Cost is payable

to Government Pleader Office, High Court, Aurangabad.

6. Pending application, if any, stands disposed of.

(R. M. JOSHI, J.)

ssp