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IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

ANTICIPATORY BAIL APPLICATION NO.1784 OF 2023

Uttam Dadarao Garje

APPLICANT

VERSUS

The State of Maharashtra and Another

RESPONDENTS

.....
Mr. S. S. Thombre, Advocate for the applicant
Mr. A.R. Kale, APP for respondent - State
.....

[CORAM : NITIN B. SURYAWANSHI, J.]

DATE : 28th FEBRUARY, 2024

ORDER :

1. Applicant apprehends arrest in Crime No. 214 of 2023 registered with Patoda Polie Station, Taluka-Patoda, District – Beed for offence punishable under section 307, 143, 147, 148, 149, 326, 324, 323, 504 and 506 of the Indian Penal Code.
2. FIR is lodged by Sudhakar Gunaji Bangar stating that on 24th September, 2023 while he was at his residence, he heard noise of pelting of stones on his window, when he came out, he saw Uttam Dadarao Garje (applicant) standing there and holding axe and Vijay Gorakh Bangar was holding iron rod. When he enquired as to what happened, they said that as to why informant is asking them to given 8 guntha land to Baban

Pakhare. Then Uttam Garje gave axe blow on his head and Vijay Bangar assaulted him with iron rod near his right wrist. Thereafter, Dadarao Garje, Ghanshyam Garje, Abhay Garje and Sharad Bangar came on the spot holding sticks and they all assaulted informant with sticks on legs, hands and stomach. Kamal Bangar also came there and she instigated accused persons not to spare the informant and kill him. Hearing the commotion, villagers Pradip Bangar, Sonaji Bangar and Suresh Vanve rushed there and they intervened and separated informant from assailants.

3. Heard learned advocate for applicant and learned APP for the State. Perused the papers of investigation.

4. Perusal of injury certificate of informant shows that he has suffered following injuries:-

- I. Contused Lacerated Wound on left side of forehead*
- II. Contused Lacerated Wound on right side of forearm*
- III. Contusion on right hand dorsum*
- IV. Abrasion on left knee*

5. Though CLW suffered on left side of forehead is stated to be simple, from the photographs of injured it seems that it is a cut injury. Injuries suffered by informant confirm the allegations

made in the FIR that applicant assaulted informant with axe. The axe is yet to be recovered.

6. Considering the complicity of applicant in the present crime and the role attributed to him and the corresponding injuries suffered by informant, custodial interrogation of applicant is necessary for effective investigation. Applicant is, therefore not entitled for discretionary relief of anticipatory bail. Application is, therefore, rejected.

7. Learned advocate for applicant, at this stage, prays for continuation of interim protection granted in favour of applicant for a period of two weeks. For the reasons stated in the order, the prayer is rejected.

[NITIN B. SURYAWANSHI]
JUDGE