



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

ANTICIPATORY BAIL APPLICATION NO. 1925 OF 2023

Dagadu Gina @ Ginyandeo ChanneApplicant

VERSUS

The State Of Maharashtra
and anotherRespondents

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Mr. S.J. Salunke, Advocate for the Applicant
Mr. N.B. Patil, APP for Respondents – State
Mr. Rohit Narwade, h/f Mr. S.E. Shekade, Advocate for Informant

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[CORAM : NITIN B. SURYAWANSHI, J.]

DATE : 08th FEBRUARY, 2024

ORDER :

1. Applicant apprehends arrest in connection with Crime No.223 of 2023 registered with Pimpalner Police Station, District Beed for offence punishable under sections 323, 324, 326 504, 506 read with section 34 of the Indian Penal Code.
2. Heard learned advocate for applicant, learned APP for respondents – State and learned advocate for informant. Perused the investigation papers.
3. Learned advocate for applicant by relying on order passed by this Court in Criminal Application No.5225 of 2013, submits that offence under section 324 of Indian Penal Code is still bailable in Maharashtra as no notification is issued to

adopt the Central law in that regard, and therefore, this Court held that application for anticipatory bail is not tenable.

4. By relying on injury certificate in the present crime produced by learned APP, learned advocate submits that no offence under section 326 of the Indian Penal Code is made out in the present case, and at the most, offence can be said to have been committed by the applicant under section 324 of the Indian Penal Code, which according to him is bailable. If learned advocate is sure that offence under section 324 is made out from the investigation papers, in that case, present application would not be maintainable as per the order passed by this Court in Criminal Application No.5225 of 2013.

5. In that view of the matter, application is disposed of by granting liberty to applicant to approach the Trial Court and to surrender and seek regular bail for offence punishable under section 324 of the Indian penal Code.

[NITIN B. SURYAWANSHI]
JUDGE

S.P. Rane