



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

CRIMINAL APPLICATION (ABA) NO. 259 OF 2024

Janardan s/o Pandharinath Sonune and another V/s State of Maharashtra

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Mr. VB. Rathi, counsel with P.B. Patil, counsel for the applicants.
Mrs. Swati Kolhe, APP for the non-applicant/State.

CORAM : URMILA JOSHI-PHALKE, J.
DATED : 29/04/2024.

1. By this application, the applicants are seeking pre-arrest bail, in connection with Crime No.51/2024 registered with Police Station Sakharkheda, District Buldhana for the offence punishable under Sections 143, 147, 148, 307, 354, 324, 323, 294, 506 read with Section 149 of the Indian Penal Code, 1860.

2. The accusation against the present applicants is on the basis of report lodged by Rameshwar Bhagwan Sonune, who has alleged that he is an agriculturist and having agricultural land in the vicinity of Waghala Shivar. There is a previous dispute between the present applicants and the informant on account of said agricultural land, on that count, on 02/03/2024 when he along with other family members working in the agricultural field, Applicant No.1 – Janardan s/o Pandharinath Sonune and Applicant No.2- Pandharinath s/o Namdeo Sonune alongwith other co-accused entered into the field and assaulted them by means of the weapons, due to which, he has sustained the injuries on his head. As far as the

allegation against the present applicant No.2 is concerned, it is alleged that applicant No.2 by means of an iron rod assaulted his mother, due to which, she has sustained the fracture injuries. He submitted that the alleged incident has taken place due to the previous dispute between the parties, as far as the offence under Section 307 of the IPC is not made out. The custodial interrogation of the present applicants is not required and therefore, they be protected by granting ad-interim anticipatory bail.

3. Learned APP strongly opposed the said application on the ground that applicant No.1 – Janardhan Sonune was holding the Axe and applicant No.2 – Pandharinath Sonune, was holding the Iron Rod at the time of the incident. As per the allegation in the FIR, applicant No.1 has given the blow of Axe on the head of the informant, and applicant No.2 has given a blow of iron rod on the hand of the informant, due to which, his mother has sustained the fracture injuries. Thus, the role attributed to the present applicants is of the assault not only on the injured but also mother of the injured. Considering the same, the application deserves to be rejected.

4. After hearing learned counsel for the applicants and learned APP for the State, perused the investigation papers. As far as the injury caused by applicant No.1 by the Axe is concerned, is a simple injury, as mentioned in the medical certificate. He is immediately discharged from the hospital. As far as applicant No.2 is concerned, to whom the role attributed is that he has assaulted a 65 year old woman, who

has sustained the fracture injury on the lower end of the radius ulna and the injury is in a previous nature. There is no dispute as to the fact that there was a previous enmity between the applicants and the informant. The counter FIRs are registered against each other. Considering the role attributed to applicant No.2, who caused the fracture injury which is grievous in nature, the application for grant of ad-interim anticipatory bail deserves to be rejected.

5. Moreover, as far as applicant No.1 is concerned, who alleged to be assaulted the informant, and the informant has sustained the injury, he is already discharged from the hospital. There is no apprehension of death to the informant. In view of that, the prayer for grant of anticipatory bail of applicant No.1 deserves to be allowed. Accordingly, I proceed to pass the following order.

ORDER

- a] The criminal application is **partly allowed**.
- b] The applicant -1 Janardhan Padharinath Sonune, shall be released on anticipatory bail, in the event of his arrest, in connection with Crime No.51/2024 registered with Police Station Sakharkheda, District Buldhana for the offences punishable under Sections 143, 147, 148, 307, 354, 324, 323, 294, 506 read with Section 149 of the Indian Penal Code, 1860, on executing PR. Bond in the sum of Rs. 25,000/- with one solvent surety in the like amount.

- c] The applicant No.1 shall attend the concerned Police Station once in a week on Sunday between 10.00 a.m. to 01.00 p.m. and shall cooperate the investigating agency.
- d] The prayer of the applicant No.2 Pandharinath Namdeo Sonune for grant of ad-interim anticipatory bail is hereby **rejected**.
- e] The applicant No.1 shall not induce, threat or promise any witnesses who are acquainted with the facts of the present case.

The criminal application is **disposed of**.

[URMILA JOSHI-PHALKE, J.]