

2. Heard learned counsel for the applicant and learned A.P.P. for the State. Perused the First Information Report (F.I.R.) and related papers. The F.I.R. has been lodged

by one Rehan Khan Masood Khan on 6/2/2021 in relation to the incident dated 2/2/2021. It is alleged in the F.I.R. that, the applicant and his family members reside in the nearby of the residence of the informant. By 4.30 p.m. on 2/2/2021, Zakariya Khan, 8 year child of the uncle of the informant was playing in the Galli along with his friends. The quarrel ensued between the boys playing thereat. After a while, the applicant and three others namely Shahrukh, Awaiz and Azhar came together and picked up quarrel with the informant and his family members and assaulted them. The informant claims to have suffered fracture to his nasal bone.

3. The learned A.P.P. would submit that the applicant assaulted the informant with a piece of tile (Shahabadi Farshi). The informant suffered nasal bone fracture. Custodial interrogation of the applicant is, therefore, required.

4. Close reading of the F.I.R. would indicate that the applicant and three others have been attributed with an assault with fists, stick and with some heavy article. There are no specific allegations against the applicant attributing to have assaulted the informant with a piece of Shahabadi Farshi. All the co-accused have been granted anticipatory bail by the Sessions Court. There is delay of four days in lodging

of the F.I.R. which has been lodged at the police station. The medical papers on record indicate that the informant had first gone to Rural Hospital, Amalner, The MLC issued by the Medical Officer indicates the informant to have suffered the following injuries :-

- (1) BT right great toe.
- (2) Abrasion over right palm
- (3) vital stable

5. These injuries were found to be simple in nature. It is the private hospital namely "Accident Hospital & Trauma Care Centre", which issued the certificate indicating the informant to have suffered nasal bone fracture.

6. In view of the inconsistencies in the injury certificates, there being four days delay in lodging the F.I.R., and the applicant having not been specifically attributed with assault with Shahabadi Farshi and more so when the co-accused have been granted anticipatory bail, I am inclined to grant this application.

7. The application is allowed. In the event of arrest of the applicant in connection with C.R. No.0068/2021,

registered at Amalner Police Station, District Jalgaon for the offence punishable under Sections 326, 323, 504, 506 and 427 of the Indian Penal Code, the applicant be released on bail on his executing P.R. bond in the sum of Rs.15,000/- (Rupees fifteen thousand) with one surety in the like amount.

8. The applicant shall appear before the investigating officer as and when required. The applicant shall not tamper with the prosecution evidence in any manner.

**(R. G. AVACHAT)
JUDGE**

fmp/-