

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

ANTICIPATORY BAIL APPLICATION NO. 646 OF 2021

KAMLESH RAJENDRA NAWALE
VERSUS
THE STATE OF MAHARASHTRA

...

Mr. S.R. Wakale, Advocate for the applicant,
Mr. S.D. Ghayal, APP for the respondent.

CORAM : V.G. BISHT, J.

DATE OF ORDER : 11th August.2021.

PER COURT:

1] This is an application under Section 438 of Cr.P.C. preferred by the applicant seeking grant of pre-arrest bail in connection with Crime No.0261 of 2021 registered with Police Station, Kotwali, Dist. Ahmednagar for the offence punishable under Section 307 of IPC.

2] On 25.3.2021, the informant met the applicant, who is his friend and asked as to when will he return the money borrowed by him. The informant denied to repay the amount so borrowed and, therefore, the applicant assaulted with an iron rod on back side of his head.

3] Mr. Wakale, learned counsel for the applicant submitted that a false complaint is filed by the informant against the applicant so as to avoid the repayment of the amount borrowed by him to the present

applicant. The learned counsel even invited my attention to certain portion of the impugned order of the trial court and more particularly, para. 9, wherein, it is observed by the trial court that the complainant lateron filed an affidavit (Exh.13) and stated that the present applicant had never assaulted him and that his name came to be given to the police because of some misunderstanding. Despite this fact, the learned trial court was not impressed and rejected the anticipatory bail application of the applicant.

4] When this fact was confronted to the learned APP today during the course of argument, there was no denial on his side to the fact that there was an affidavit filed by the informant. When confronted about the nature of injury sustained by the informant, allegedly at the hands of the applicant, the learned APP submitted before me a CT scan report of the informant. Perusal of the said CT scan report shows that the findings were normal. As such, there was no injury on the back side of the head of the informant, much less, life threatening injury allegedly caused at the hands of the applicant.

5] In view of the above, this court is inclined to allow the present application. Hence, the following order .

: O R D E R :

[I] In the event of arrest of the applicant in connection with Crime No. 0261 of 2021, registered with Police Station, Kotwali, Dist. Ahmednagar, for the offence punishable under Section 307 of IPC, the applicant be enlarged on bail on his furnishing PR Bond in the sum of Rs. 20,000/-, with one or two sureties in the like amount.

[II] The applicant shall attend the concerned police station as and when called and shall cooperate with the police in the investigation.

[III] He shall not tamper with the evidence.

7] The application stands disposed of in aforesaid terms.

[V.G. BISHT]
JUDGE.

grt/-