

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

9 ANTICIPATORY BAIL APPLICATION NO.847 OF 2021
IN /0/

NAINESH ASHOKRAO BHAVAR
VERSUS
THE STATE OF MAHARASHTRA

...

Advocate for Applicant : Mr. Anant R. Devakate
APP for Respondents: Mr.S.D. Ghayal.

CORAM : V.G. BISHT, J.

DATE : 9th 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. 0115 of 2021 registered with Police Station, Hatta, Taluka Basmath, Dist, Hingoli for the offences punishable under Sections 302, 323, 504, 506, 143, 147, 149 of IPC.

2] From the record it is seen that on 15th May, 2021, NC was lodged by one Ramesh Appasaheb Bhawar - husband of the injured, wherein, no role was attributed to the present applicant/accused. Lateron, the FIR came to be lodged, wherein, it was alleged that the present applicant/accused had not only twisted the hands of the injured but also banged her head against the wall; as a result of which she sustained serious injuries.

3] Mr. Devkate, learned counsel for the applicant, submits that

while lodging the NC, no specific role was attributed to the applicant. It is only after filing the FIR by way of an after-thought, his name came to be included in the FIR.

4] As against this, learned APP invited my attention to the Medical Certificate and statement of prosecution witnesses and opposed the application by contending that the injured was not in a position to give statement on 15.5.2021 and, therefore, she could not narrate the incident in detail.

5] The learned APP, however, is not in a position to point out either by way of statement or medical evidence that in fact the victim was so seriously injured that she was not in a position to give the details of the incident.

6] In view of the above discrepancy between the NC and FIR, in my considered opinion, this is a fit case, wherein the application deserves to be allowed.

7] Considering the above, I pass the following order.

: O R D E R :

[a] In the event of arrest of the applicant in connection with Crime No. No. 0115 of 2021 registered with Police Station, Hatta, Taluka Basmath, Dist, Hingoli for the offences punishable under Sections 302, 323, 504, 506, 143, 147, 149 of IPC., the applicant be enlarged on bail on his furnishing PR Bond in the sum of Rs. 25,000/-, with one or two sureties in the like amount.

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

[c] He shall not tamper with the evidence.

8] The application stands disposed of in aforesaid terms.

**[V.G. BISHT]
JUDGE.**

grt/-