

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD.**

ANTICIPATORY BAIL APPLICATION NO. 901 OF 2021

Mangalsing @ Gotusing Bhikesing Girase

Age : 27 years, Occu. Business,

R/o. Tamthare, Tq. Sindkheda,

District Dhule.

...Applicant

Versus

The State of Maharashtra

...Respondent

.....
Mr. N. L. Choudhari, Advocate for the applicant

Mr. V. S. Badakh, APP for respondent / State

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CORAM : V. G. BISHT, J.

DATED : 27th August, 2021

PER COURT : -

1. This is an application under Section 438 of the Code of Criminal Procedure, 1973 preferred by the applicant seeking grant of pre-arrest bail in connection with Crime No. 97 of 2021, registered with Sindkheda Police Station, District Dhule, for the offences punishable under Sections 307, 324 r/w 34 of the Indian Penal Code.

2. It is the case of prosecution that on 29.06.2021 at about 02:30 am, while the informant was asleep, accused Chetan Bhikesing Girase and Mangalsing @ Chotusing Bhikesing Girase (applicant) came and suspecting that because of the information provided by the

informant, the police is raiding their hotel. They assaulted the informant on his head, hands, chest and legs by means of sticks. Informant accordingly lodged the report.

3. Mr. N. L. Choudhari, learned Counsel for the applicant, submits that the informant and his brother are engaged in illegal sale of liquor in their hotel and it were they who suspected that the present applicant is providing information to the police and, therefore, he has been falsely roped in. Moreover, the complaint is filed after 15 to 17 hours of the alleged incident and no explanation of such huge delay is anywhere given in the complaint. For all these reasons, the present application deserves to be allowed, argued learned Counsel.

4. Mr. V. S. Badakh, learned APP, on the other hand, submitted that the informant suffered Fracture Tibia (Rt.). The investigation is in progress and, therefore, the application deserves to be rejected.

5. On going through the record, it is seen from the certificate issued by Deore Accident Hospital that the concerned Medical Officer had found two injuries on the person of the informant namely, Fracture Tibia (Rt.) and cerebral oedema – head injury. It is pertinent

to note that the informant was under treatment from 30.06.2021 to 03.07.2021 as an OPD patient.

6. Having regard to the allegations and the nature of injuries sustained by the informant, in my considered opinion, the application can be allowed with certain conditions. In view of this, I pass the following order.

ORDER

- i. The application is allowed.
- ii. In the event of arrest of the applicant herein in connection with Crime No. 97 of 2021, registered with Sindkheda Police Station, District Dhule, for the offences punishable under Sections 307, 324 r/w 34 of the Indian Penal Code, the applicant is directed to be enlarged on bail on his furnishing P.R. Bond of Rs. 20,000/- [Rs. Twenty thousand only], with one or two solvent sureties in the like amount.
- iii. The applicant shall attend the concerned police station as and when called and shall cooperate with the police in the investigation.
- iv. The applicant shall not tamper with the prosecution evidence in any manner.

[V. G. BISHT]
JUDGE