

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

ANTICIPATORY BAIL APPLICATION NO. 984 OF 2021

Harmansing s/o Subhashsing Chavan ... **Applicant**
Age 40 years, Occu: Labour
R/o Janta Market Power loom,
Basmathnagar, Tq. Basmath, Dist. Hingoli

VERSUS

The State of Maharashtra, ... **Respondent**
Through Police Inspector, Basmathnagar
(City), Tq. Basmat, Dist. Hingoli

Mr. G. K. Naik-Thigle, Advocate for the applicant,
Mr. S. B. Narwade, A.P.P. for the State.

CORAM : PRAKASH D. NAIK, J.

DATE : 7th October, 2021

ORDER:

1. The applicant is seeking pre arrest bail in C.R. No. 214/2021 registered with Basmat City Police Station, District Hingoli for the offences punishable under Sections 307, 143, 147, 148, 149, 324, 323, 504, 506, 34 of the Indian Penal Code and under section 4/25 of the Indian Arms Act.

2. The first information report was lodged by Kiran Ratansing Chauhan that on 09.07.2021, while he was returning home, he came across Sanjusing Bawari and Devasing Bawari. He demanded the amount which was due from Sanjusing Bawari. At that point of time,

Sanjusing Bawari abused and assaulted the complainant. The complainant informed about this incident to his mother. Thereafter, the complainant, his brother Ranjitsing and others went to the house of Sanjusing Bawari at about 9.30 to 10.00 p.m. When they reached to the house of Sanjusing, they noticed that he was armed with sword. He abused the complainant others. Harnamsing Subhashsing Chauhan and others came to the spot. Accused Sanjusingh Bawari, Bidising Bawari and Harnamsing Chauhan were armed with sword; Chatursingh Chauhan and Subhashsing Chauhan were armed with wooden log. They questioned the complainant. Harnamsingh Chauhan tried to stab the complainant by using Sword, that was pushed aside by the complainant which had resulted in injury to his thumb. Sanjusing and Bidising Bawari assaulted the complainant with butt of Sword and threatened him.

3. Contention of the applicant is that FIR is false and concocted. Cross case has been registered by Sanjusing with same police station under Section 307, 324, 323, 143, 147, 148, 149, 504, 506 of the Indian Penal Code and Section 4/25 of the Arms Act against Kiran Chauhan, Reshamsing Chauhan, Raghuvirsign Chauhan and others. It is submitted that on account of rivalry, the applicant is falsely implicated. There is no corresponding injury qua the role attributed to the applicant.

4. Learned APP submits that there are eye witnesses to the incident that the applicant was armed with weapon like sword. Injured Kiransing had sustained injury to his shoulder. Injuries are CLW of 1x4x1 cm. which is of simple nature.

5. On perusal of the injury certificate it is apparent that it is contrary to the version of complainant and other eye witnesses. According to the complainant, on account of blow of sword by the applicant he had sustained injury to his thumb. The injury certificate however refers to CLW injury caused to the shoulder which is of simple nature and caused by blunt object. Cross cases are registered by both the parties. The injury does not correspond to the statements of complainant and other witnesses.

6. Considering the factual aspects of the matter, case for grant of anticipatory bail is made out. Hence, I pass the following order :-

ORDER

- i. Anticipatory Bail Application No. 984 of 2021 is allowed;
- ii. In the event of arrest of the applicant in C.R. No. 214/2021 registered with Basmat City Police Station, District Hingoli, the applicant be released on bail on executing PR bond in the sum of Rs.25,000/- with one or more sureties in the like amount;

- iii. The applicant shall report the investigating officer on 20, 21st and 22nd October, 2021 between 11.00 a.m. to 1.00 noon and thereafter as and when called for till filing of the charge-sheet.
- 7. Anticipatory Bail Application stands disposed of accordingly.

(PRAKASH D. NAIK, J.)

JPC