

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

10 ANTICIPATORY BAIL APPLICATION NO.1200 OF 2021

VINOD BHUJANGRAO PAWAR
VERSUS
THE STATE OF MAHARASHTRA

...

Mr. Ravindra Vitthal Gore and Mr. Chandrakant V Bodkhe, Counsel for applicant

Mr. A.S.Shinde, APP for respondent-State

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CORAM : PRAKASH D. NAIK, J.

DATE : 22nd NOVEMBER, 2021

PER COURT:

1] The First Information Report (for short, 'FIR') was registered on 29th June, 2021 vide CR No.0345 of 2021 with Ambad Police Station, Dist.Jalna for the offences punishable under Sections 143, 147, 148, 149, 307, 323, 504 and 506 of Indian Penal Code (for short, 'IPC').

2] The case of the prosecution reflected in the FIR is that the co-accused Rajkumar Pawar had caught Mahendra and assaulted him by knife. The applicant had allegedly assaulted by *Tomy* on the head. The injured was hospitalized.

3] Learned Counsel for the applicant submitted that by order dated 21st September, 2021 passed by this Court in ABA No.998 of 2021, co-accused Rajkumar Bhujangrao Pawar has been granted pre-arrest bail.

4] Learned APP submitted that statement of the injured was recorded on 5th August, 2021. In the said statement, role attributed to the applicant is that he had assaulted the injured by knife on his leg and the co-accused Rajkumar had assaulted him on the other parts of body with *Tomy*. The CCTV Footage prescribed the role of assault by thief to applicant. In the past, 3 cases were registered against the applicant vide Crime No.221 of 2010, 276 of 2020 and 302 of 2016. Medical evidence supports prosecution case.

5] It is apparent that cross FIR was registered at the instance of the accused in the present FIR vide Crime No.336 of 2021 for offence under Sections 340 and 427 of IPC. The said FIR was registered first in point of time. It is apparent that the version of the complainant and the injured witness is contradictory. CCTV Footage allegedly indicates that the applicant was involved in assaulting the injured by knife. It is to be inferred that the co-accused Rajkumar Pawar was involved in assaulting the injured on other parts of body by *tomy*. I have perused the injury certificate produced by learned APP. The injured has sustained CLW on the left leg. The said injury is of simple injury. Other injuries are abrasion, contusions on shoulder, neck and parietal region. The other accused Rajkumar Pawar has been granted anticipatory bail by this Court vide order dated 16th September, 2021. The role attributed to the applicant is that he assaulted injured on his leg causing simply injury.

Considering the aforesaid circumstances, interim protection granted by this court can be confirmed. Hence, I pass the following order.

ORDER

- (i) Anticipatory Bail Applications No.1200 of 2021 is allowed.
- (ii) Interim order dated 22nd October, 2021 is confirmed.
- (iii) In the event of arrest of applicant in connection with CR No.0345 of 2021 registered with Ambad Police Station, Dist.Jalna, the applicant be released on bail on his executing P.R. Bond in the sum of Rs.20,000/- with one or two sureties in the like amount.
- (iv) Applicant shall report Investigating Officer on 29th and 30th November, 2021 and on 1st and 2nd December, 2021 between 11.00 am to 01.00 pm and thereafter, as and when called for, till filing of charge-sheet.
- (v) Application stands disposed of.

(PRAKASH D. NAIK, J.)

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