

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

23 ANTICIPATORY BAIL APPLICATION NO.1303 OF 2021

RAHUL SAHEBRAO MITKAR
VERSUS
THE STATE OF MAHARASHTRA

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Mr. Madhukar Parghane, Advocate for the applicant.
Mr. A.V. Deshmukh, A.P.P. for respondent - State.

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CORAM : **PRAKASH D. NAIK, J.**

DATE : 13-12-2021

ORDER :

1. This is an application for anticipatory bail in Crime No.185/2021 registered with Hadgaon Police Station District Nanded for the offences punishable under Sections 326, 323, 504, 506 read with Section 34 of the Indian Penal Code.

2. The First Information Report (for short "F.I.R.") is registered on 23rd July 2021. It is alleged that the accused including the applicant, were instrumental in assaulting the complainant. Applicant had allegedly assaulted the complainant on his back with the help of Katti. Others assaulted by fist and kick blows.

3. Medical papers indicate that the complainant had sustained CLW on back of his left shoulder which is of grievous nature.

4. Learned Advocate for the applicant submitted that other accused are granted anticipatory bail by this Court. There are no criminal antecedents against the applicant. He is 20 years old boy. He is a student of First Year B.A.

5. Learned A.P.P. submitted that specific overt act has been attributed to the applicant. Case of the applicant can be distinguished from the co-accused. Applicant was armed with Katti ad he has assaulted the complainant on his back, causing CLW, which is grievance injury.

6. It is true that the case of applicant can be distinguished from the co-accused. The assault attributed to the applicant is on the back of the complainant. Applicant is the student, aged about 20 years, having no criminal antecedents. With a view to give him an opportunity to mend ways and pursue education, relief can be granted to him under Section 438 of the Code of Criminal Procedure. Hence, I pass the following order.

ORDER

- (i) ABA No.1303 of 2021 is allowed.
- (ii) In the event of arrest of the applicant in Crime No.185/2021 registered with Hadgaon Police Station, District Nanded, the applicant be released on bail on executing P.R. bond in the sum of Rs.25,000/- with one or more sureties in the like amount.

- (iii) Applicant shall report the Investigating Officer on 20.12.2021, 21.12.2021 and 22.12.2021 between 11.00 a.m. and 1.00 p.m. and thereafter as and when called for, till filing of the charge-sheet.
- (iv) Applicant shall not tamper with the evidence
- (v) The application stands disposed of.

(PRAKASH D. NAIK, J.)

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