

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

ANTICIPATORY BAIL APPLICATION NO.62 OF 2022

SHIVAM S/O KASHINATH PARASKAR
VERSUS
THE STATE OF MAHARASHTRA

.....
Advocate for Applicant : Mr. D. M. Shinde
APP for Respondent-State : Ms. Vaishali Patil Jadhav
.....

CORAM : SMT.VIBHA KANKANWADI, J.

**Date of Reserving The Order :
04-02-2022**

**Date of Pronouncing The Order :
23-02-2022**

PER COURT :

1. Present applicant is apprehending his arrest in connection with Crime No.385 of 2021, registered with Hingoli City Police Station, District Hingoli, for the offences punishable under Section 324, 323, 506 r.w.34 of IPC.
2. Heard learned Advocate Mr. D. M. Shinde for applicant and learned APP Ms. Vaishali Patil Jadhav for respondent-State. In order to cut short, it is stated that both of them have made submissions in support of their respective contentions.

3. It is the contention of the informant Vishal Ramkishan Chavan that he was called around 09.00 p.m. on 09-12-2021 by one Shankar Paraskar that he should come towards Datta Mandir. When he went there, he found one Vaibhan Kute and Shubham Paraskar. It appears that he has referred the applicant as Shubham whereas in fact he is Shivam. He was asked by Shankar as to why he had picked up quarrels with his brother. He was then assaulted by Shankar by slaps and fists. The present applicant had caused injury to his head and below left eye by means of stone when he was caught hold by accused Vaibhav. He was threatened and when witness Vishnu Kharsade and Nagesh Ghuge came there, he was rescued. Thus, the injury that has been alleged to have been caused by the applicant is by means of stone. No doubt, it has been tried to be contended by the applicant that the FIR against him is the result of the FIR lodged by his sister under Section 354A, 354D, 452, 504, 506 r.w.34 of IPC and under Section 8 and 12 of the POCSO Act. But it can be seen that that FIR vide Crime No.386 of 2021 was lodged around 23.04 hours whereas the present complaint has been lodged at 15.56 hours on 10-12-2021.

4. Taking into consideration the contents of the FIR and the injury that is stated to have been caused, the applicant deserves to be released on bail with conditions. Hence, following order.

ORDER

- 1) Application is hereby allowed.
- 2) In the event of arrest of the applicant Shivam s/o Kashinath Paraskar, in connection with Crime No.385 of 2021, registered with Hingoli City Police Station, District Hingoli, for the offences punishable under Section 324, 323, 506 r.w.34 of IPC, he be released on PR of Rs.30,000/- (thirty thousand) with two solvent sureties of Rs.15,000/- each (fifteen thousand).
- 3) He shall not tamper with the evidence of the prosecution and shall not commit any offence.
- 4) He shall attend the Hingoli City Police Station, District Hingoli, in between 10 a.m. to 02.00 p.m. on each Monday and Thursday till filing of charge-sheet.

(SMT. VIBHA KANKANWADI)
JUDGE

vjg/-.