

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

ANTICIPATORY BAIL APPLICATION NO.460 OF 2022

Nitin Devidas Patil

...APPLICANT

VERSUS

The State of Maharashtra

...RESPONDENT

...
Mr.Rahil R. Kazi Advocate for Applicant.
Mr.A.M. Phule, A.P.P. for Respondent-State.
...

CORAM: SMT. VIBHA KANKANWADI, J.

DATE : 20th APRIL, 2022

ORDER :

1. Heard learned Advocate for the applicant.
2. Learned APP strongly opposes the application for grant of any interim relief. He submits that the matter is coming for the first time and he is yet to receive the police papers, however, taking into consideration the role attributed to the applicant in

the First Information Report, interim protection need not be granted.

3. Perusal of the First Information Report would show that it has been lodged by one Rahul Pundlik Patil and the injured is his uncle. Present applicant is cousin brother of the informant and co-accused, who is father of the applicant, is also the uncle of the informant. The allegations against the present applicant show that he had assaulted injured Shivaji Patil by the bottom part of the spade on his head, as a result of which he became unconscious. Though the father of the applicant has been released on bail and his bail order has been produced on record, it appears that he is released on the ground of his age and medical condition. In the same order it has been mentioned that the learned Additional Sessions Judge, Amalner had seen the certificate and the grievous injury is in the nature of fracture to the skull, which is definitely the grievous injury. The learned Advocate for the applicant points out the alleged delay caused in lodging the First Information Report. But that cannot be only criteria to grant the discretionary relief in favour of the applicant.

4. Under such circumstance, taking into consideration the allegations, this is not a fit case where extraordinary discretionary relief should be granted in favour of the applicant. Application stands rejected at the threshold.

[SMT. VIBHA KANKANWADI , J.]

asb/APR22