

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

ANTICIPATORY BAIL APPLICATION NO.490 OF 2022

1. Bharat s/o Shivaji Shinde
2. Shatrughna s/o Shivaji Shinde
3. Amar s/o Sadashiv Chavan
4. Aditya @ Harshwardhan Vikas Chavan ... Applicants

Versus

The State of Maharashtra ... Respondent

...
Mr. S. G. Kawade, Advocate for applicants.
Mr. S. B. Narwade, APP for the respondent – State.
...

CORAM : SMT. VIBHA KANKANWADI, J.

DATE : 26.04.2022

ORDER :-

1. The applicants are apprehending their arrest in connection with Crime No.121 of 2022 registered with Badnapur Police Station, Dist. Jalna for the offences punishable under Sections 323, 326, 504, 506 read with Section 34 of Indian Penal Code.

2. Heard learned Advocate Mr. S. G. Kawade for the applicant. He submits that the applicants have been falsely implicated. No specific overt act is attributed against the applicant. The contents of the FIR will not attract offence under Section 326 of Indian Penal Code. The other

Sections are bailable. There is no previous enmity also. There is delay in lodging the FIR and, therefore, the applicants be protected.

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

4. Perusal of the contents of the FIR would show that it has been lodged by one Chandrakant Jagannath Khadke on 19.03.2022 in respect of incident that had allegedly taken place on the earlier day i.e. 18.03.2022. As regards the applicants are concerned, specific role have been attributed. Though it appears that at the time when the informant was assaulted he was not knowing the names of the applicants, but he has specifically stated that his nephew, who was along with him at the same time was knowing the applicants. It is stated that applicant Nos.1 and 2 had assaulted them by iron rod and applicant Nos.3 and 4 had assaulted him by sticks. Further, from the order passed by the learned Additional Sessions Judge, Jalna it can be seen that applicant No.1 is having Crime No.174 of 2017 under Sections 324, 323, 504, 506 of Indian Penal Code on his head. Applicant No.2 is involved in offence

under Section 376 of Indian Penal Code with the Sections under Atrocities Act. Definitely, the weapon allegedly used in the commission of crime is required to be seized and, therefore, this is not a fit case where the extraordinary discretionary relief should be granted to the applicants. Application stands rejected at the threshold.

[SMT. VIBHA KANKANWADI, J.]

scm