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

917 ANTICIPATORY BAIL APPLICATION NO.585 OF 2022

**SALIKRAM RAU BALSARAF
VERSUS
THE STATE OF MAHARASHTRA**

Mr. Abhijeet P. Kulkarni, Advocate for applicant;
Mr. A.A. Jagatkar, A.P.P. for respondent

CORAM : S. G. MEHARE, J.

DATE : 21st June, 2022

P.C.

1. Heard the learned Counsel for the applicant and the learned A.P.P. for the respondent.

2. The learned Counsel for the applicant would submit that the report lodged against the applicant is nothing but a counter to the report lodged against the applicant for committing serious offences punishable under Section 326 with many other sections of the Indian Penal Code. He has referred to the report lodged by the nephew of the applicant. The complainant and the accused are the neighbours. They had a dispute. Immediately on 19.3.2022, the cousin of the applicant was sent to the hospital since he had suffered serious

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injuries. In the report against the applicant, it is alleged that the applicant assaulted the injured complainant with an iron rod and he had snatched mobile handset of the complainant from his pocket. However, the prosecution has no evidence of injury alleged to have been caused to the complainant.

3. The learned A.P.P. for the respondent, on instruction, makes a statement that the injured complainant went to the private hospital directly. However, the Investigating Officer has no medical evidence. In the absence of any such material evidence, there is a scope to believe the applicant that it is a counter to the report lodged against the complainant. Otherwise also, there appears no evidence or material to have the custodial interrogation of the applicant. Hence, the following order:-

- i) The Application is allowed.
- ii) In the event of arrest of the applicant Salikram s/o Rau Balsaraf, in connection with C.R. No.87/2022, registered with Gondi Police Station, Taluka Ambad, District Jalna, for offences punishable under Sections 394 and 504 of the Indian Penal Code, be released on bail on executing P.B. and S.B. of Rs.20,000/- with one solvent

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surety of the like amount, on the condition that he shall attend the police station as and when called by the Investigating Officer on written notice.

(S. G. MEHARE, J.)

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