

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

916 ANTICIPATORY BAIL APPLICATION NO.590 OF 2022

1. ABHISHEK BASAVRAJ OMSHEETI

2. SAGAR BALBHIM OMSHEETI

VERSUS

THE STATE OF MAHARASHTRA

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Advocate for Applicants: Mr. Estling S. Murge

APP for Respondent: Mr. S. B. Narwade

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CORAM: SARANG V. KOTWAL, J.

DATE: 09th JUNE, 2022

PER COURT:

1. The applicants are seeking anticipatory bail in connection with C.R. No.55/2022 registered at Murum Police Station, District – Osmanabad under Section 143, 147, 148, 149, 324, 326, 427, 504, 506 of the Indian Penal Code, 1860.

2. Heard Mr. Estling S. Murge, learned Counsel for the applicants and Mr. S. B. Narwade, learned APP for the Respondent – State.

3. The F.I.R. is lodged by one Anand *alias* Anil Revansiddha Marbe. He has stated that, in the past, one Baswraj Omshette had outraged modesty of

the informant and had also assaulted her. For that purpose, an offence was registered against Baswraj Omshette. From that point onwards there was enmity between the informant and Baswraj Omshette. On 12.02.2022 the informant's brother-in-law had come to meet him in his Jeep. At about 08:00 PM when both of them were walking towards a restaurant, Baswraj Omshette and Kadappa Omshette came near them and started abusing them. They were joined by both the applicants and one Pawan Omshette. They were carrying wooden sticks. It is mentioned in the F.I.R. that they started assaulting the informant. They assaulted him on his chest, legs and hands. The F.I.R. mentioned that his both legs were fractured and he was unable to get up. The assailants threatened the others who went to help the informant. After that, they broke the windshield of the Jeep belonging to the informant's brother-in-law. After that people gathered there and the informant was taken for medical treatment. On this basis, the F.I.R. is lodged.

4. Learned Counsel for the applicants submitted that the informant had not suffered fracture, the injuries were simple. The applicants had no enmity with the informant. Therefore, their custodial interrogation will not be justified.

5. Learned APP opposed this application. He provided the investigation papers before me. He submitted that the manner in which the offence was committed; disentitles the applicants from getting anticipatory bail.

6. I have considered these submissions, and, in particular, I have perused the Medical Certificate issued by Gangamai Hospital, Solapur in respect of injuries to the informant. The Medical Certificate mentions that there were two CLWs on both legs of the size 2 X 1 X 1 c.m. and 1 X 1 X 0.5 c.m. The nature of injuries was described as simple. Thus, it appears that, the injuries suffered were minor. Hence, the narration in the F.I.R. is appears to be exaggerated. Looking at the nature of injuries obviously,

Section 326 of Indian Penal Code, 1860 may not be attracted. The Spot Panchanama shows that windshiled of the car was broken; but for that, only Section 427 is applied. There are 2 other eye witnesses to the incident and they are Shiva Shivmurty and Prashant Magre. They have also described the incident in the same manner as is described in the F.I.R. Therefore, considering the nature of injuries and exaggerated version in the F.I.R., the applicants cannot be denied relief of anticipatory bail. Hence, the following order-

ORDER

[I] In the event of their arrest in connection with C.R. No. 55/2022 registered at Murum Police Station, District – Osmanabad, the applicants are directed to be released on bail on their executing P.R. bond in the sum of Rs.25,000/- (Rs. Twenty Five Thousand only) each, with one or two sureties each, in the like amount.

[II] The applicants shall attend the concerned Police Station as and when called and shall cooperate with the investigation.

[III] Application stands disposed of accordingly.

[SARANG V. KOTWAL, J.]

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