

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

ANTICIPATORY BAIL APPLICATION NO.612 OF 2022

SIDDHARTHA ALIAS SONU S/O. SUDHIR BHOSALE AND ANOTHER
VERSUS
THE STATE OF MAHARASHTRA

...
Advocate for Applicants : Mr. V.D. Sapkal, Senior Counsel i/b Mr.
Reddy Ajinkya

APP for Respondent/State : Ms. V.S. Choudhari

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CORAM : S.G. MEHARE, J.

DATED : 28th JUNE, 2022.

PER COURT:-

1. Heard the learned senior counsel for the applicant and the learned APP for the State.
2. The prosecution case, in brief, is that the incident happened on 15.04.2022. The applicant was inspecting the construction of road work at that time the applicant Siddhartha hit him on his mouth with punch. His lips were torn, and his tooth suffered pain. He fell down that time one Venkatesh, the applicant Audumbar and one more accused abused him on his caste and beat him with a fist and blows. One Manoj tried to separate the quarrel. He was also pushed. At that time, the applicant Audumbar snatched his golden locket worth Rs.80,000/- from his person, and somebody had taken Rs.20,000/- from his pocket. The complainant was sent to the Government Hospital for medical examination. He took the primary treatment. Thereafter, he was feeling uneasy; hence, he went

to Sumangal Hospital for treatment. The report was lodged on 17.04.2022. The Police Station, Udgir, registered the crime under Section 327, 324, 143, 147, 148, 149, 323, 504, 506 r/w 34 of the Indian Penal Code. However, on producing the medical certificate from Sumangal Hospital, the police added Section 326 to the crime.

3. The learned senior counsel would submit that the complainant and one co-accused, Sudhir are the proposed contestant for the coming election. Therefore, a false report has been lodged against him to disqualify him. It has also been vehemently argued that there is no corresponding evidence of causing injury to the mouth and teeth by the applicant. The medical injury certificate produced on record shows no grievous injury, but under the influence, the complainant got another medical certificate from Dr. Vijay Birajdar showing that he has suffered a grievous injury. A person may lie, but circumstances do not. The case is totally concocted, and the report is lodged two days after the incident with a cool mind. Therefore, the application may be allowed.

4. Per contra, the learned APP would submit that the injury certificate submitted by the medical officer corroborates the allegations of causing injury to the mouth. A specific allegation has been made that a punch was used to cause the injury. She would also rely on the injury certificate issued by Dr. Vijay Birajdar and would submit that the applicant has committed a grievous offence.

Therefore, the Investigation Officer has correctly added Section 326 of the Indian Penal Code. Besides this, there are eyewitnesses to the said incident. The weapon used and the locket snatched from the person of the informant are to be recovered from both the applicants.

5. The FIR is very specific that the applicant Siddhartha used the punch and caused him injury to his mouth. The injury report supports this fact. The complainant was examined by the medical officer on the very same day, and the other medical certificate issued by Dr. Vijay Birajdar also shows the same date of the examination of the complainant. The weapon has been used to cause injury, and its recovery is a must to prove the case against the accused. Whether the golden locket was there or not and whether the applicant Audumbar snatched it can be discovered after a thorough investigation. A serious allegation of snatching a golden chain worth Rs.80,000/- has been made against the applicant, Audumbar. *Prima facie*, the prosecution has a case for custodial interrogation. Considering the facts of the case, this Court is not inclined to grant anticipatory bail to the applicant. Hence, the application stands dismissed.

6. The learned senior counsel for the applicant requested to continue the interim protection for three weeks. The interim protection has been extended for three weeks from today.

(S.G. MEHARE, J.)