

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

930 ANTICIPATORY BAIL APPLICATION NO.657 OF 2022

**SUSHIL @ TAPYA S/O SHESHERAO KHARAT
VERSUS
THE STATE OF MAHARASHTRA**

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**Advocate for Applicant : Mr. Avinash N. Barhate Patil
APP for Respondent / State : Mr. S.B. Narwade**

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CORAM : SARANG V. KOTWAL, J.

Date : JUNE 10, 2022

PER COURT :-

1. The applicant is seeking Anticipatory Bail in connection with C.R. No.113 of 2022 registered at Nanalpeth Police Station on 05.04.2022 under Section 307, 504, 506 r/w. 34 of the I.P.C.

2. Heard Mr. Avinash N. Barhate Patil, learned Counsel for the applicant and Mr. S. B. Narwade, learned APP for the respondent / State.

3. FIR is lodged by one Dilip Wakale. He has stated in the FIR that on 04.04.2022 at about 09:30 p.m. he was going towards his house. At that time, Rahul Kharat and the present applicant who is Rahul's brother went near him. Rahul abused him. The applicant

threatened to commit his murder. Both of them then left the spot. After some time when the informant was proceeding further, the applicant and his brother came on a motorcycle. The applicant was riding the motorcycle and Rahul was the pillion rider. Rahul gave a blow with knife on the back of the informant and then they went away. The informant went home. His family members took him to Government Hospital, Parbhani. The informant was referred to Government Hospital at Nanded and then, this FIR is lodged.

4. Learned Counsel for the applicant submitted that the incident is in two parts. In the first part, nothing was done. The applicant had only threatened. In the next part of the incident, the applicant was riding the motorcycle. He has not given any blow. He submitted that the applicant is ready to co-operate with the investigation.

5. Learned APP opposed this application. He produced medical certificate of the informant and submitted that the informant suffered grievous injury and therefore, the bail should not be granted to the applicant.

6. I have considered the submissions made by learned Counsel appearing for the respective parties. I have also perused the

documents on record. The injury certificate shows that the informant had suffered injury of the size 3x2x6 c.m. on right lower back at the level of posterior axillary line. It was described as grievous injury. The patient was referred for surgical procedure. Thus, the injury is serious. The incident could not have occurred without active participation of the applicant. The applicant, shortly before the incident, had threatened the informant. He was riding the motorcycle and his brother stabbed the informant. Section 34 of I.P.C. is also applied. In this view of the matter, no case for grant of anticipatory bail is made out. Hence, the following order is passed.

ORDER

- (i) The Anticipatory Bail Application is rejected.

(SARANG V. KOTWAL, J.)

GGP