

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

914 ANTICIPATORY BAIL APPLICATION NO.789 OF 2022

**PRAKASH @ PAPPU BALASAHEB JAWALE
VERSUS
THE STATE OF MAHARASHTRA**

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**Advocate for Applicant : Ms. Madhaveshwari Mhase i/by Lex Aquila
APP for Respondent State: Mr. K. S. Patil**

**CORAM : S. G. MEHARE, J.
DATE : 5th AUGUST, 2022**

ORDER:

1. Heard learned counsel for the applicant and learned APP for the State.
2. The applicant is son of nephew of the informant. There were some dispute between them. It has been alleged against the applicant that on the day of the incident, the applicant went to the place where the informant was sitting. He came out of the Car and started assaulting him with stick and one sharp weapon. It has been also alleged that applicant has assaulted the complainant on head and he has suffered grievous injuries.
3. Learned counsel for the applicant would submit that the FIR is belated by four days. The injured was immediately discharged from the hospital. No serious injuries were caused to the injured. The applicant has committed no offence but since there were some dispute, false allegations have been levelled against him. He would also argue that alleged weapons have been seized from the spot of the incident. Therefore, custodial interrogation of the applicant is not required.

4. Learned APP pointed out the injury certificate and argued that the complainant suffered the serious injury. The complainant was immediately admitted to the hospital. He was under treatment and hence the report was registered on 17th May, 2022. Since the offence is serious, custodial interrogation of the applicant is required.

5. The allegations, if considered, reveal that the applicant assaulted the injured with stick and one sharp weapon. The injured has suffered injuries to his head. The question remains that why the prosecution intends to have custody of the applicant. It has been alleged that weapons like stick and one unknown sharp weapon have been used in the crime. Both the weapons have been seized from the spot of the incident. In the circumstances, if the custodial interrogation of the applicant is allowed, no purpose would be served. Therefore, the application deserves to be allowed. Hence following order.

O R D E R

- (i) The application is allowed.
- (ii) In the event of arrest, the applicant Prakash @ Pappu Balasaheb Jawale be released on bail on executing P. R. and S.B. of Rs.20,000/- with one solvent surety of the like amount in Crime No. 0319 of 2022 registered with Ahmednagar Taluka Police Station, District Ahmednagar for the offences punishable under Sections 92 of the Rights of Persons with Disabilities Act, 2016, on the condition that the applicant shall attend the police station as and when called by the Investigating officer.

(S. G. MEHARE, J.)

JPChavan