

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

922 ANTICIPATORY BAIL APPLICATION NO.879 OF 2022

**BALASAHEB MAHADEV AADMANE
VERSUS
THE STATE OF MAHARASHTRA**

...

Advocate for Applicant : Mr. Maniyar Irfan D
APP for Respondent State: Mr. S. B. Narwade

**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 facts have been discussed in the order passed on 18th July, 2022. The first informant is a police constable. He lodged report against the accused persons for assault. The FIR reveals that the complainant made enquiry with the persons present at the spot of incident and they immediately told him name of the applicant and other co-accused. It has also been alleged in the FIR that three persons assaulted the complainant. Out of them, third assaulted on his chest with iron chain.
3. Learned counsel for the applicant would submit that no specific role has been attributed to the applicant. The complainant is a police constable so he would not commit mistake in narrating facts in the FIR. The allegations are vague. The applicant has been falsely implicated in the crime since he has antecedents to his discredit. Therefore, interim protection may be confirmed.

4. Learned APP has strongly opposed the application contending that after the assault, co-employees/police reached the spot and they made enquiry with the persons present there and learnt about involvement of the applicant. There are antecedents to the discredit of the applicant. He has assaulted the injured/first informant with weapon like iron chain and caused injury to the complainant. He referred to the injury report and statement of the witnesses standing there. On the basis of all these facts, he prayed to dismiss the application.

5. Considering the facts of the case and the position of the complainant, there appears confusion as regards the role played by the present applicant. The FIR is practically vague. Number of persons were present there. Therefore, possibility of mere presence of the applicant cannot be ruled out. The complainant is not a layman. He is policeman. In view of the vague allegation, it would be inappropriate to deny the anticipatory bail. Hence the following order.

O R D E R

- (i) The application is allowed.
- (ii) Interim protection granted to the applicant by order dated 18th July, 2022 is confirmed on the same terms and conditions of bail.

(S. G. MEHARE, J.)

JPChavan