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

**ANTICIPATORY BAIL APPLICATION NO.902 OF 2022
WITH APPLN/2504/2022 IN ABA/902/2022**

**YOGESH S/O. KANTA @ SURYAKANT MASKE
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER**

...

Advocate for Applicant : Mr. Tungar Hrishikesh V.
APP for Respondents : Mr. K.S. Patil
Advocate for Assist to PP : Mr. Shashikant E. Shekade

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CORAM : S.G. MEHARE, J.

DATED : 04th AUGUST, 2022

PER COURT:-

1. Heard learned counsel for the applicant and learned APP for the State.
2. Learned counsel for the applicant submits that no incident as such happened; however, a false report has been lodged against the applicant. The story narrated by the complainant does not inspire the confidence for the reasons that as per the story of the complainant, the accused/applicant did not offer him a job with salary hike. The complainant did not admit himself to the Government Hospital at Beed, but deliberately admitted in private hospital for exaggeration for causing harassment to the applicant. The injured complainant has already been discharged from the hospital. He has sustained no grievous injury. The complainant felled on the spot and sustained the injury due to nuts of the tyre. The

prosecution has no substantial ground for the custodial interrogation of the applicant. Hence, he may be released on bail.

3. Learned APP has strongly opposed the application contending that there are antecedents to the discredit of the applicant. The dangerous weapon like sickle has been used by the applicant in assaulting the injured on his head. The injuries have been caused to the parietal bone. The weapon is to be recovered. Therefore, the application may be rejected.

4. Specific allegations have been levelled against the applicant that he came on the spot of incident in his black Scorpio vehicle and started beating the complainant who is a driver. The applicant asked him why he was doing the driving with Manoj Pawar and offered him to pay a salary hike of Rs.2,000/-. It is also alleged against the applicant that the applicant took away the sickle from the vehicle and hit on his head and caused him a serious injury.

5. Perusal of the papers reveals that the injuries have been caused to the head of the complainant. There are antecedents to the discredit of the applicant. A serious offence has been registered against the applicant punishable under Section 307, 324, 323, 504 r/w 34 of the Indian Penal Code. It is apparent that the applicant was aggressive and suddenly took the sickle and assaulted the driver on his head. Recovery of the weapon is essential to complete the investigation. Considering the allegations levelled against the

applicant and the nature of offence, this Court is of the view that this is not a fit case for anticipatory bail. Hence, the application stands dismissed.

6. Criminal Application No.2504 of 2022 is allowed and disposed of.

(S.G. MEHARE, J.)