

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

ANTICIPATORY BAIL APPLICATION NO.904 OF 2022

SHUBHAM RAMDAS WABALE AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA

...
Advocate for Applicants : Mr. Shashikant E. Shekade
APP for Respondent : Mr. K. S. Patil
...

CORAM : S. G. MEHARE, J.

DATE : 27-07-2022

PER COURT :-

1. Heard the learned counsel for the applicant and the learned APP for the State.
2. The complainant has a case that when he was taking dinner in the hotel, all the applicants came there. Applicant No.1 Shubham picked up a crate and hit in his head, hence, his head was broken. Thereafter, applicant No.2 Hemant kicked him in his chest and applicant No.3 Rama beat him with hands. The complainant fell on the cot. Bharat Bade came to rescue the complainant, the applicants also assaulted him. It is also stated that after the quarrel, applicants Shubham and Hemant took the complainant in the Vedanta Hospital.
3. The learned counsel for the applicants would submit that on

the day of incident, the complainant had consumed the liquor and he fell on the crate. Therefore, applicants Shubham and Hemant took the complainant to one Vedanta Hospital. They have provided him primary treatment. The Doctor treated the complainant and they left from there. However, on the next day with an ill motive, the complainant lodged a false report against the applicants that they assaulted him. To the knowledge of the applicants, he has suffered a simple injury on his forehead as he was not under control due to intoxication. Nothing is to be recovered from the applicants. Hence, the applicants may be released on anticipatory bail.

4. The learned APP has pointed out the medical certificate of another private hospital and argued that the complainant has suffered injuries on forehead and finger. He would submit that all the applicants assaulted the complainant without any cause. There are eye witnesses to the incident. The spot panchnama has been drawn. But, nothing adverse found there. The offence is serious. Hence, the custodial interrogation of the applicants is required.

5. Perused the papers produced by the learned APP. It does not reveal that the statement of any person from Vedanta Hospital is recorded. The medical certificate has been issued by the another private hospital. The prosecution has no evidence whether the

injury was grievous or simple. As per the allegations, the caret was lying there in the hotel itself. The prosecution has no case that the applicants fled away with the said caret. The applicants have a strong case as argued. In view of the facts of the case, the applicants are entitled to be released on anticipatory bail. Hence, the following order -

- i) The application is allowed.
- ii) The interim protection granted by the order dated 12.07.2022 is confirmed on the same terms and conditions of bail.

(S. G. MEHARE)
JUDGE

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