

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

ANTICIPATORY BAIL APPLICATION NO.1096 OF 2022

ANTON SHAMSUNDAR GAIKAWAD
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER

...
Advocate for Applicant : Mr. Pradeep K. Palve
APP for Respondents/State : Ms. V. S. Choudhari
...

CORAM : S. G. MEHARE, J.

DATE : 29-08-2022

PER COURT :-

1. Heard the learned counsel for the applicant and the learned A.P.P. for the respondents/State.
2. The learned counsel for the applicant has vehemently argued that there was a family dispute. The applicant was not present at the time of quarrel between the deceased and accused Ashwini. Though there are antecedents at the discredit of the applicant, those are not relevant for the family dispute. The deceased was quarreling with his lover Ashwini. Considering the allegations, the custodial interrogation of the applicant is not essential.
3. The learned A.P.P. has vehemently opposed the application and argued that the deceased had injury on her hand and thigh.

At the relevant time, the deceased was in the custody of the applicant. The learned A.P.P. would point out that previously also the applicant had assaulted the deceased. The applicant is debouched. The applicant is convict. Therefore, there is possibility of tampering with the prosecution witnesses. Hence, the application may be dismissed.

4. Perused the first information report. The specific allegations have been levelled against the applicant that he used to beat the deceased for another woman. Hence, she went to her parents home. However, the applicant brought her back with assurance that he would not trouble her. After fetching back, the incident happened within a week. There were injuries on the person of the deceased. At the relevant time, the deceased was in the applicant's custody. It was noticed that the injuries were caused to the deceased prior to the incident. There are allegations of beating to the deceased. Therefore, the Investigating Officer has to investigate about the injuries sustained to the deceased. The custodial interrogation of the applicant is essential. Hence, the application stands dismissed.

**(S. G. MEHARE)
JUDGE**