

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

921 ANTICIPATORY BAIL APPLICATION NO.1098 OF 2022

PRASAD SHIVHARI ROTE
VERSUS
THE STATE OF MAHARASHTRA

...
Advocate for Applicant : Mr. Kawade Shrikant G.
APP for Respondent-State : Mr. K. S. Patil.
...

CORAM : S. G. MEHARE, J.
DATE : 20.09.2022

PER COURT :-

1. Heard the learned counsel for the applicant and the learned APP for the respondent-State.
2. The learned counsel for the applicant would submit that the brother of the complainant, who is brother-in-law of the applicant called him at Mauli Hospital, Jalna, stating that he wanted to abort his sister. Therefore, he went on the spot. The applicant and his family were convincing him not to abort. That time, the present complainant came there on bike and he fell down from bike and suffered the injury. The report is also not lodged soon after the incident. The sister of the applicant has also lodged report against the applicant and his family

members alleging that she was beaten by them saying that they do not want to have a child. Then, she called the applicant and his family. They also beat them and threatened them to kill.

3. Learned counsel for applicant has vehemently argued that the applicant never assaulted the complainant with knife. However, he has suffered the injury due to fall from his vehicle. Since the report was lodged by his sister, the false allegations have been levelled against him and his family. Nothing is to be recovered from the applicant.

4. Learned APP has opposed the application contending that the offence is serious. The injured has suffered the grievous injury. The weapon is to be recovered. Hence, the application may be rejected.

5. Perused the FIR and papers. It has been alleged that the present applicant assaulted the complainant with knife and then he fell down. One of them, smashed on his nose and it started bleeding. The injury report does not reveal the injury is caused by sharp weapon like knife. He has injury to his face and nose. The injury does not support or corroborate the

allegations of use of the knife. Therefore, the applicant has a good case for anticipatory bail. Hence, the following order :

ORDER

- (i) The application is allowed.
- (ii) In the event of arrest, applicant PRASAD SHIVHARI ROTE, be released on bail on furnishing P.B. and S.B. of Rs.15,000/- (Rupees Fifteen Thousand only) with one solvent surety in the like amount in Crime No. 92 of 2022, registered with Police Station Talwada, District Beed for the offences punishable under Sections 326, 324, 452, 329, 143, 147, 148, 149, 323, 504 of the IPC, on the conditions that he shall attend the Police Station as and when called by the Investigating Officer and he shall not tamper with the prosecution witnesses.

(S. G. MEHARE, J.)

...

vmk/-