

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

933 ANTICIPATORY BAIL APPLICATION NO.1201 OF 2022

BHAUSAHEB NILKANTH TAWARE
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER

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Advocate for Applicant : Mr. Tekale Nikhil S.
APP for Respondents-State : Mr. V. M. Kagne.

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CORAM : S. G. MEHARE, J.
DATE : 15.09.2022

PER COURT :-

1. Heard the learned counsel for the applicant and the learned APP for the respondent-State.
2. It has been alleged against the applicant that when, after the first assault in the field by the other co-accused, the injured and her husband were returning home, the applicant intercepted their vehicle and he told her that, "he thought that she died." Then he removed a iron bar from his vehicle and tried to assault her husband on his head, however, he dodged the blow, but it hit his right shoulder.
3. Learned counsel for the applicant would submit that the husband of the applicant was never admitted to the hospital. He had no injury. The applicant has been falsely implicated in

the crime. Since the weapon is not used, his custodial interrogation is not essential.

4. Learned APP has opposed the application contending that though the injury is not caused to the husband of the complainant, there are allegations of use of the deadly weapon. The statement of the injured corroborates the FIR. Hence, his application may be rejected.

5. Perused the papers produced by the learned APP. Admittedly the husband of the injured suffered no injuries. In his statement, he stated that he has suffered a minor injury. Hence, he did not go to the hospital. Considering the alleged weapon used, he should have been injured seriously. The allegations of assault have been levelled against the applicant in the second part of the alleged incident. The absence of injury that too by the alleged deadly weapon raises a suspicion. Therefore, the applicant deserves anticipatory bail. Hence, the following order :

ORDER

- (i) The application is allowed.
- (ii) In the event of arrest, applicant BHAUSAHEB NILKANTH TAWARE, 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.166 of 2022, registered with Police Station Washi, District Osmanabad, for the offences punishable under Sections 307, 147, 148, 149, 324, 341, 504, 506 of the IPC, on the condition that he shall attend the Police Station as and when called by the Investigating Officer.

(S. G. MEHARE, J.)

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vmk/-