

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

ANTICIPATORY BAIL APPLICATION NO.1374 OF 2022

**SATISH TRIMBAK SHIRSATH
VERSUS
THE STATE OF MAHARASHTRA**

...
Advocate for Applicant : Mr. Narayan B. Narwade
APP for Respondent – State : Mr. S. P. Sonpawale, Assisted by
Mr. Shrimant Shripati Mundhe
...

CORAM : NITIN B. SURYAWANSHI, J.

DATE : 10th NOVEMBER, 2022

PER COURT :

1. Heard learned advocate for applicant and learned Assistant Public Prosecutor for Respondent – State, who has made available investigation papers. Perused the same.

2. Six accused persons who are either family members or relatives, including applicant, are implicated in commission of offence punishable under Sections 307, 367, 326, 324, 323, 143, 147, 148, 149, 504, 506 of the Indian Penal Code and Sections 4 and 25 of the Arms Act, 1959.

In the FIR it is alleged that applicant assaulted injured informant with sword due to which informant received injury to his finger. Other accused persons have assaulted injured with iron rod, sticks etc.

3. Applicant is serving in Indian Army. He claims that he is falsely implicated in the present crime as there are various litigations pending between the applicant's family and informant's family.

4. On perusal of injury certificate of informant, it is clear that informant has suffered as many as 15 injuries on various parts of his body. He has suffered incised wound at parieto occipital vertical region, one incised injury is caused to the base and tip of nose. He has also suffered linear undisplaced fracture to the left side of nasal bone. These three injuries are grievous and all the other injuries are simple. It is clear that injury attributed to applicant in FIR is not there in the injury certificate of informant.

5. As per the instructions received from first informant, who has filed application to assist learned Assistant Public Prosecutor, learned Assistant Public Prosecutor submits that there are as many as six to seven offences registered against applicant and therefore, he does not deserve protection.

6. Though such offences are registered, they are of the years 2005, 2009, 2021 and 2022. According to applicant, he was not present when the incident which led to registration of offence in the year 2022.

7. Applicant was granted interim protection and he has cooperated in the investigation. The sword allegedly used by applicant is already recovered from the vehicle allegedly used in crime. In that view of the matter, custodial detention of applicant at this stage is not necessary. Application is, therefore, allowed in terms of interim order passed by this Court on 12/10/2022, with a condition that till filing of charge-sheet applicant shall not enter the village Pimpalgaon Tappa, Taluka Pathardi, District Ahmednagar.

(NITIN B. SURYAWANSHI, J.)