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IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

ANTICIPATORY BAIL APPLICATION NO.1396 OF 2022

Shivaji Gabaji Gund

APPLICANT

VERSUS

The State of Maharashtra and Another

RESPONDENTS

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Mr. Narayan B. Narwade, Advocate for the applicant
Mr. N. T. Bhagat, APP for respondent - State

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[CORAM : NITIN B. SURYAWANSHI, J.]

DATE : 24th NOVEMBER, 2022

ORDER :

1. The applicant apprehends his arrest in connection with Crime No. 705 of 2022 registered with Parner Police Station for the offence punishable under section 307, 504, 506 of the Indian Penal Code.
2. Informant Vishal Jagdale lodged the FIR on 5th September, 2022 alleging that, as the applicant was under impression that informant was supplying his information to police, the applicant assaulted him with liquor bottle on head. The bottle was broken and due to the assault the informant felled down. The applicant then sat on him and tried to stab him with the broken bottle. Witnesses present at the spot prevented the applicant from

stabbing and separated them.

3. Heard learned advocate for the applicant and the learned Additional Public Prosecutor. Perused the papers of the investigation.

4. Learned advocate for the applicant submits that the applicant is falsely implicated in the alleged offence. He submits that the applicant was not at all present at the spot and on the contrary earlier, the applicant had filed complaint against the informant and others and so as to give counter blast to the same, the applicant is falsely implicated in the present crime.

5. Learned Additional Public Prosecutor, on the basis of the material collected during the course of investigation, submits that the applicant has committed serious offence and the informant has suffered injury. There are eyewitness to the incident, who have supported the allegations made in the FIR. The applicant has criminal antecedents, therefore, he does not deserve discretionary relief.

6. Assault on the part of the applicant is corroborated by the statements of the eyewitnesses. Injury certificate shows that the informant has suffered CLW on head. Though the injury is stated to be simple, fact remains that the applicant assaulted on the

head of the informant with liquor bottle. It has come in the statements of the eyewitnesses that they prevented the applicant from stabbing the informant with the broken bottle. The applicant has criminal antecedents. Three offences are registered against him at Parner police station, out of them two are registered under section 307, 326, 327 etc of Indian Penal Code and one under section 353, 506, 309 read with 34 of the Indian Penal Code. One offence is registered against the applicant with Shirur police station under sections 39 (3) and 51 of the Wild Life Protection Act.

7. Considering the above aspects, the applicant is not entitled for discretionary relief. The application is, therefore, rejected.

[NITIN B. SURYAWANSHI]
JUDGE