

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

ANTICIPATORY BAIL APPLICATION NO.1590 OF 2022

Navnath Kashinath Bavadkar

...Applicant

Versus

The State Of Maharashtra And Another

...Respondents

Mr. V.P. Latenge, Advocate for the applicant.

Mr. A.V. Deshmukh, APP for respondents.

Mr. N.B. Patekar, Advocate for the informant/Assist to Public Prosecutor.

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[CORAM : NITIN B. SURYAWANSHI, J.]

DATE : 13th DECEMBER, 2022

ORDER :

1. The applicant apprehends his arrest in Crime No. 53/2022, registered with Mirajgaon Police Station for the offences punishable under section 324, 323, 504, 506, 143, 147, 148, 149 of IPC.

2. First Information Report is lodged by one Bhausahab Mahadev Bavadkar alleging that applicant, his son and family members assaulted him with iron rod on head. Other accused persons inflicted fist and kick blows. His family members were also given fist and kick blows by the accused persons.

3. Heard the learned advocate for the applicant, learned

Additional Public Prosecutor for respondents and learned advocate for the informant. Perused the investigation papers.

4. In the present crime, applicant's son Eknath is arrested and the weapon allegedly used in the crime is recovered from him. Prima facie, there appears variance in the version of injured and eye witnesses about who gave the blow of iron rod on the head of informant. In supplementary statement of informant dated 25.10.022 he has alleged that blow of iron rod was given by Eknath.

5. Applicant is old aged person. Taking into consideration the above facts, pre-trial custodial detention of the applicant is not warranted in the facts of the present case. The applicant therefore deserves protection. In the result, application is allowed by confirming the interim order dated 25.11.2022.

6. Till filing of charge sheet, the applicant shall attend the concerned police station as and when called by the investigating officer. The applicant shall not indulge in similar offence. The applicant shall not tamper the prosecution evidence.

[NITIN B. SURYAWANSHI, J.]