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IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

ANTICIPATORY BAIL APPLICATION NO.1622 OF 2022

Taterao Ganpati Kendre

APPLICANT

VERSUS

The State of Maharashtra and Another

RESPONDENTS

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Mr. Ram S. Shinde, Advocate for the applicant
Mrs. P. V. Diggikar, APP for respondent - State

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[CORAM : NITIN B. SURYAWANSHI, J.]

DATE : 8th DECEMBER, 2022

ORDER :

1. The applicant is apprehending his arrest in Crime No. 63 of 2022 registered with Jalkot Police Station, District – Latur for the offence punishable under section 307, 326, 143, 147, 149, 504, 506 of the Indian Penal Code.
2. Heard learned advocate for the applicant and the learned Additional Public Prosecutor for the State. Perused the papers of investigation.
3. Learned advocate for the applicant strenuously submits that the applicant's side has also lodged cross-complaint against the informant's side, which is registered at Crime No. 62 of 2022 with the same police station for offence punishable under section

324, 323, 504 and 506 read with 34 of the Indian Penal Code. The said complaint is lodged against 4 accused persons, including the informant and the injured. He submits that with a view to give counter blast to the same, applicant's name is falsely implicated in the present crime. He further submits that out of 10 accused persons in the present crime, 3 are released on regular bail and 4 on anticipatory bail. According to him, considering the role attributed to the applicant, the injury allegedly caused by him is simple and since charge sheet is filed in the present matter, the applicant deserves to be released on anticipatory bail.

4. Learned Additional Public Prosecutor opposed the application contending that grave injury caused to the injured is attributable to the applicant as the applicant has inflicted the injury by axe. Major role played by the applicant in commission of offence punishable under section 307 of the Indian Penal Code, is clear from the investigation papers. The applicant has criminal antecedents. Weapon and car used in commission of offence is yet to be recovered from the applicant. She therefore, submits that, the applicant does not deserve discretionary relief of anticipatory bail.

5. On going through the investigation papers, it is clear that the applicant has assaulted the injured with axe and caused serious injury i.e. "*contused abrasion of size 3.5 X 2.5 cm present over inner part of lower lip with closed, fracture left para symphysised manible*". The axe and car bearing registration No. MH-43/AB-9786 allegedly used by the applicant at the time of commission of crime are yet to be recovered. Since charge sheet is filed under section 299 of the Code of Criminal Procedure, investigation is still pending against the applicant. Custody of the applicant is necessary for effective investigation. The applicant has avoided arrest since last more than 8 months. In this view of the matter, the applicant does not deserve discretionary relief of anticipatory bail. The application is, therefore, rejected.

[NITIN B. SURYAWANSHI]
JUDGE