

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPEAL NO.912 OF 2022

VITTHAL ANKUSH MUNDE
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER

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Mr. S.G. Kawade, Advocate for the Appellant.
Mr. P.G. Borade, APP, for the Respondent – State.
Mr. J.D. Maniyar, Advocate for Respondent No. 2.

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CORAM : R.G. AVACHAT &
R.M. JOSHI, JJ

DATE : DECEMBER 13, 2022.

PER COURT :

1. Heard learned Advocate for Appellant, learned APP for Respondent – State and learned Advocate representing Respondent No. 2.

2. It is the contention of learned Advocate for Appellant that though it is alleged in the FIR that present Appellant caused assault on the head of the informant with sickle but the injury certificate placed on record does not correspond to the injuries caused by such weapon. He further argued that there is delay of about six days in lodging FIR. In such circumstances, the Appellant deserves to be enlarged on bail.

3. Learned APP and learned Advocate for Respondent No. 2 opposed the said contention by pointing out specific role attributed to the present Appellant in the statement of informant. According to them, since the informant sustained injuries he was indoor patient in Sahyadri Hospital, Latur from 18.09.2022 to 23.09.2022 and hence, the said fact is self-explanatory for lodging report on 24th September, 2022.

4. *Prima facie* consideration of material on record indicates that though the first information report is lodged on 24th September, 2022 but the hospitalization of injured with the nature of injuries caused to him justifies non-lodging of crime immediately. The statement shows that present Appellant assaulted him with sickle on his head and there are 5 injuries on frontal and temporal area of the injuries. At this stage, we find that there is involvement of the present Appellant in the crime in question. Considering seriousness of the offence and possible requirement of custodial interrogation of the Appellant for recovery of the weapon, we are not inclined to grant

anticipatory bail. In the result, criminal appeal stands rejected.

(R.M. JOSHI, J.)

(R.G. AVACHAT, J.)

Malani