

ANTICIPATORY BAIL APPLICATION NO.1669 OF 2022

Versus

Mr. K.N. Shermale, Advocate for the applicants.
Mrs. P.V. Diggikar, APP for respondents.

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[CORAM : NITIN B. SURYAWANSHI, J.]

DATE : 23rd DECEMBER, 2022

ORDER :

1. The applicants apprehend arrest in Crime No. 411 of 2022, registered with Sangamner Taluka Police Station, Ahmednagar for the offences punishable under sections 307, 323, 324, 325, 143, 147, 148, 149 and 506 of the Indian Penal Code.

2. First Information Report is lodged by Siddhesh Khandare alleging that on 27.09.2022 there was weekly market at Kothekamleshwar. He was selling essence sticks along with his mother in the said market. At about 5.30 pm one Sachin Dhatrak brother of a girl looked angrily at him and left. Thereafter, at

9.30 pm when he went to the saloon shop, five accused persons including Sachin and applicant No. 1- Gaurav assaulted him on the ground that he is troubling their sister. They assaulted with iron rod. Other accused Valmik assaulted with stick and rest of accused persons assaulted him with fists and kick blows.

3. Heard the learned advocate for the applicants and learned Additional Public Prosecutor for respondents. Perused the investigation papers.

4. Learned advocate for the applicants submits that prior to the present FIR, sister of applicant No. 1 has lodged FIR against informant's side which is registered at Crime No. 414/2022, registered with Sangamner Taluka Police Station, Ahmednagar, for the offences punishable under sections 354, 506 read with 34 of IPC and under section 8 and 12 of Protection of Children from Sexual Offences Act, 2012. He therefore submits that the applicants are falsely implicated in the present crime to give counter blast to the said FIR. He further submits that the weapon used in the crime is recovered, therefore, applicants may be granted anticipatory bail.

5. Learned Additional Public Prosecutor on the other hand submits that there are specific allegations against Applicant No. 1- Gaurav that he has used iron rod to assault informant and injury certificate shows corresponding injuries. Therefore, she submits that applicant No. 1 does not deserve protection.

6. Perusal of investigation papers show that, informant has received as many as eight injuries of which Injury No. 7 is grievous and all the injuries are caused by hard and blunt object. Taking into consideration the role attributed to applicant No. 1 and corresponding injuries reflected in the injury certificate, applicant No. 1 does not deserve anticipatory bail. Custody of applicant No. 1 is necessary for effective investigation. The application of applicant No. 1 is therefore rejected.

7. So far applicants No. 2 and 3 are concerned, considering the role attributed to them that they assaulted informant with fists and kick blows, they are entitled for anticipatory bail. The application of applicants No. 2 and 3 is therefore allowed in terms of interim order dated 7th December, 2022.

8. At this stage, the learned advocate for applicants submits that the interim protection granted to applicant No. 1 may be continued. For the reasons recorded while denying relief to applicant No. 1, said prayer is rejected.

[NITIN B. SURYAWANSHI, J.]